10-21-85
Vol. 50 No. 203
Pages 42507-42668

Federal Register

Monday
October 21, 1985

Briefings on How To Use the Federal Register—
For information on briefings in Atlanta, GA, see announcement on the inside cover of this issue.

Selected Subjects

CONTINUED INSIDE

Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

WHEN: Nov. 21; at 1 pm.
Nov. 22; at 9 am. (identical session)

WHERE: Room LP-7,
Richard B. Russell Federal Building,
75 Spring Street, SW., Atlanta, GA.

RESERVATIONS: Deborah Hogan,
Atlanta Federal Information Center.
Before Nov. 12: 404-221-2170
On or after Nov. 12: 404-331-2170

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. The January 1986 Washington, D.C. workshop will include facilities for the hearing impaired. Dates and locations will be announced later.

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Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5394 of October 17, 1985

National High-Tech Month, 1985

By the President of the United States of America

A Proclamation

National High-Tech Month provides an opportunity for all Americans to learn how technological advances contribute to our economic growth and rising standard of living and to reaffirm our national commitment to maintain the leadership of the United States in high-technology development. Technology is crucial to our physical well-being, a strong national defense, and economic growth. It is transforming not just industry, but medicine, agriculture, education, communications—indeed, virtually every field of human endeavor.

History has demonstrated that progress in technology is essential to maintaining competitiveness, creating new products, and improving productivity. Enhanced productivity lowers unit costs, thereby increasing profits and allowing industries to reduce prices and capture a larger share of the market. Technology-induced productivity gains help hold down inflation, make American products more competitive in world markets, and raise our standard of living.

I am calling upon all Americans to open themselves to the opportunities presented by the incorporation of technology into their lives and livelihoods. First, government policies should not penalize but rather improve incentives for the entrepreneurial development of new technology so critical to maintaining industrial leadership. Second, American business should redouble its efforts to channel investment into promising research and development projects. Third, American labor and management must recognize and welcome the opportunities provided in a high-technological economy and actively cooperate in adapting to the changing work environment, availing themselves of the benefits to their working lives that will come with enhanced productivity and innovation.

Finally, we must pay attention to the education of American youth—education that will give them the skills and insights they need to grow and develop in a high-technology future. School systems from the elementary level to graduate school must conscientiously seek opportunities to educate our young people about the benefits of technology and to encourage development of the basic knowledge our citizens will require if they are to function successfully in tomorrow's world.

In recognition of the importance of high technology to our lives, the Congress, by House Joint Resolution 128, has designated the month of October 1985 as "National High-Tech Month" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1985 as National High-Tech Month, and I request all Federal, State, and local officials to cooperate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 85-25214
Filed 10-18-85; 10:29 am]
Billing code 3195-01-M

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 307 and 316

Veterans Readjustment Appointments; Temporary and Term Employment

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations that reflect the statutory changes in the expiration date and amendments for the use of the Veterans Readjustment Appointment (VRA) authority. The VRA statutory authority, cited in Pub. L. 97–72, expired on September 30, 1984. On October 24, 1984, the President signed Pub. L. 98–543, "Veterans' Benefits Improvement Act of 1984." This law revises the VRA authority and extends the expiration date through September 30, 1986. Consequently, a corresponding change in 5 CFR Parts 307 and 316 must be made.

EFFECTIVE DATE: November 20, 1985.

FOR FURTHER INFORMATION CONTACT: Don A. Smith, (202) 632–7082.

SUPPLEMENTARY INFORMATION: These final regulations reflect statutory requirements in Pub. L. 98–543 that extended the expiration date for the VRA authority through September 30, 1986, under 38 U.S.C. 2014. The law also increased the maximum grade level for appointments from GS–7 to GS–9, provided for limited appeal rights for VRA appointees who are terminated during their first year of employment, and replaced the semiannual VRA report with an annual one. OPM is required by law to issue and amend regulations governing the VRA Program.

OPM published interim rules in the **Federal Register** (50 FR 13172) on April 3, 1985. Only one comment was received concerning VRA appointees' limited appeal rights. The commenter contends that VRA employees with excepted appointments should not be given the same appeal protections as employees with career or career-conditional appointments. Pub. L. 98–543, however, specifically, requires limited appeal rights. Consequently, these limited appeal rights are included in the final regulations.

OPM has also supplemented the regulations with guidance issued through the Federal Personnel Manual System.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it applies only to Federal Government employees.

List of Subjects

5 CFR Part 307

Government employees, Reporting requirements, Veterans.

5 CFR Part 316

Government employees, Veterans.

U.S. Office of Personnel Management.
Constance Horner,
Director.

PARTS 307 AND 316—[AMENDED]

Accordingly, OPM is adopting its interim regulations (as published at 50 FR 13172 on April 3, 1985) as final regulations without change.

[FR Doc. 85–25050 Filed 10–18–85; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

Price Support Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The proposed rule published in the **Federal Register** on June 28, 1985 (50 FR 26778) amending the regulations at 7 CFR Part 1421 is adopted as a final rule with respect to the revision of loan maturity dates and the removal of obsolete references to annual commodity supplements. The proposed amendments which would have required the measurement of farm-stored commodities pledged as collateral for Commodity Credit Corporation price support loans have not been adopted in the final rule. Because of the deletion of that requirement, it was necessary to make clarifying changes in the proposed language of 7 CFR § 1421.17. However, no substantive change was made in that section.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Steve Gill, Program Specialist, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Phone: (202) 447–8480.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 1421) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0560–0040 and 0560–0087.

This final rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this final rule applies are: Title—Commodity

Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

It has been determined by an environment evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Proposed Rule

A rule proposing to amend the regulations found at 7 CFR Part 1421 was published in the **Federal Register** on June 28, 1985, at 50 FR 26778. The proposed rule provided for a 30-day comment period.

General Summary of Comments

The Department received one comment with respect to the proposed rule from a State Attorney General. The comment received is on file and available for public inspection in Room 3627-South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20013.

The following is a summary of the comment and issues raised with respect to the proposed rule:

Comment on Major Program Provisions

I. *Loan Maturity Dates.*

Provisions of the Proposed Rule. The proposed rule provided that CCC price support loans which are made available to producers in accordance with the programs authorized by 7 CFR Part 1421, other than for rice, farm-stored flue-cured tobacco and farm-stored peanuts, would mature upon demand but no later than the last day of the ninth calendar month following the month in which the loan application is made if the loan is disbursed no later than the last day of the month following the month in which loan application is made. If the loan is not disbursed within this time period, the producer would be required to reapply for a loan.

Comment. The respondent argued that this provision may potentially reduce the duration of the loan period by one month thereby depriving the producer of one month's benefits under the program.

Discussion and conclusion. Rather than penalizing producers, as suggested by the respondent, this proposed amendment is advantageous to producers. Currently, producers do not know the specific loan maturity date when applying for a CCC price support loan. Under the proposed rule, producers would, as a matter of general practice, know their loan maturity date when the loan application is made. In addition, the proposed rule would allow commodities pledged as collateral for CCC price support loans to become eligible for entry into the Farmer-Owned Grain Reserve Program and Special Producer Storage Loan Program sooner than is currently allowed. Based on the aforementioned reasons, it has been determined that this proposed amendment of 7 CFR Part 1421 should be adopted as a final rule.

II. *Farm Storage Loans.*

Provisions of the Proposed Rule. The proposed rule required that all farm-stored commodities, except for barley, corn, and sorghum when they are considered to be high moisture commodities, pledged as collateral for a loan in accordance with Part 1421 be measured by the Agricultural Stabilization and Conservation Service (ASCS).

Comment. The respondent recommended that this provision be rejected or, if adopted, that current regulations be amended so that producers would no longer be required to pledge all of the stored commodity as security for a loan if only a portion of the commodity would otherwise be adequate to satisfy the loan quantity.

Discussion and conclusion. The regulations found at 7 CFR 1421.17 (a) and (e) currently provide that the quantities of farm-stored commodities which are pledged as collateral for a CCC price support loan may be based upon either the physical measurement of the commodity or upon a certification provided by the producer with respect to quantity of the commodity stored on the farm. The proposed rule required that all farm-stored commodities, except barley, corn, and sorghum when they are considered to be high moisture commodities, pledged as collateral for a loan in accordance with Part 1421 be measured by ASCS. The measurement of high moisture commodities would not have been required because of known safety hazards in attempting to measure high moisture grain stored in silos and oxygen-limiting structures. After carefully considering the proposed amendment to the regulations, it has been determined that CCC's interest in the farm-stored loan collateral is adequately protected throughout the loan period by current CCC program provisions which require periodic inspection and measurement of commodities pledged as collateral for CCC price support loans. Accordingly, it has been determined that measuring all farm-stored loan collateral, except high moisture commodities, would not be cost-effective. As a result, the proposed amendments to 7 CFR 1421.17(a) (1) and (e) with respect to the measurement of collateral securing farm storage loans have not been adopted in the final rule and clarifying changes accordingly have been made in the proposed language. Based on the aforementioned reasons, the proposed conforming amendment to 7 CFR 1421.284 has not been adopted in the final rule.

All amendments to the regulations as set forth in the proposed rule published at 50 FR 26778 are adopted as a final rule without change.

List of Subjects in 7 CFR Part 1421

Grains Loan Programs/agriculture, Price support programs, Surety bonds, Warehouses.

Final Rule

Accordingly, the regulations in Chapter XIV, Title 7 of the Code of Federal Regulations are amended as follows:

PART 1421—[AMENDED]

1. The authority citation for Part 1421 is revised to read as follows:

Authority: Secs. 4 and 5; 62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b, 714c); Secs. 101, 105B, 107B, 110, 201, 301, 401, 405; 63 Stat. 1051, as amended, 95 Stat. 1242, as amended, 1227, as amended, 1221, as amended, 91 Stat. 951, as amended, 63 Stat. 1052, as amended, 1053, as amended, 1054, as amended (7 U.S.C. 1441, 1444d, 1445b-1, 1445e, 1446, 1447, 1421, 1425).

2. In Part 1421, the Table of Contents and the Subpart headings to §§ 1421.1 through 1421.29; §§ 1421.50 through 1421.60; §§ 1421.90 through 1421.100; §§ 1421.210 through 1421.220; §§ 1421.245 through 1421.254; §§ 1421.280 through 1421.291; §§ 1421.300 through 1421.312; §§ 1421.335 through 1421.345; §§ 1421.365 through 1421.374; and §§ 1421.460 through 1421.471 are amended by removing "1978", "1982", and "1984" wherever they appear and inserting in lieu thereof "1985".

3. In Part 1421, the first sentence of § 1421.1 is amended by removing "1978" and inserting in lieu thereof "1985".

4. In Part 1421, §§ 1421.50, 1421.90, 1421.210, 1421.245, 1421.280, 1421.300, 1421.335, 1421.365, 1421.460, 1421.745 are

amended by removing "1978", "1982" and "1984" wherever they appear and inserting in lieu thereof "1985".

5. In Part 1421, § 1421.6(c) is revised to read as follows:

§ 1421.6 Program availability, disbursement, and maturity of loans.

* * * * *

(c) *Availability and maturity dates.* Final availability dates applicable to loans and purchases will be specified in the individual commodity regulations which supplement this subpart. Whenever the final date of availability or the maturity date falls on a nonworking day for county offices, the applicable final date shall be extended to include the next workday. Loans on commodities other than rice, farm-stored flue-cured tobacco and farm-stored peanuts mature on demand but not later than the last day of the ninth calendar month following the month in which the loan application is made. If the loan is not disbursed by the last day of the calendar month following the month in which loan application is made, the producer must reapply for a commodity loan as otherwise provided by this Part.

* * * * *

6. In Part 1421, § 1421.17 (a) and (e) are revised to read as follows:

§ 1421.17 Farm storage loans.

(a)(1) *Quantity for loans.* The quantity of a commodity which shall be used to determine the amount of a farm storage loan shall not exceed a percentage (hereinafter called the "loan percentage"), as established by the State committee, of the certified or measured quantity of the eligible commodity stored in approved farm storage and covered by the note and security agreement. The quantity of a commodity pledged as security for a farm-storage loan shall be measured or certified in accordance with paragraph (e) of this section. Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. However, all of the commodity in a bin, crib, or lot shall be pledged as security for a farm storage loan although only a portion thereof would otherwise be adequate security for the amount of the loan.

(2) The State committee shall establish the loan percentage each year for each commodity on a Statewide basis or for specified areas within the State. With respect to ear corn the loan percentage may not exceed 90 percent. The factors to be considered by the State committee in determining loan percentages shall include but not be limited to: (i) General crop conditions; (ii) factors affecting quality peculiar to an area or State; and (iii) climatic conditions affecting storability.

(3) The loan percentages established by the State committee may be reduced by the county committee on an individual farm or producer basis in order to provide CCC with adequate protection. The factors to be considered by the county committee in reducing the loan percentages shall include but not be limited to: (i) The condition or suitability of the storage structure; (ii) the condition of the commodity; and (iii) the hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the commodity.

* * * * *

(e) *Producer certification.* The quantity of a commodity pledged as security for a farm storage loan may be determined on the basis of the quantity of the commodity which an eligible producer certifies in writing on Form CCC-666 is eligible to be pledged as collateral and is otherwise available for loan purposes. The maximum loan percentage with respect to barley, corn, and sorghum when they are considered to be high moisture commodities shall be 75 percent of the quantity certified by the producer, unless such loan percentage is reduced by the State or county committee in accordance with paragraph (a) of this section.

* * * * *

7. In Part 1421, paragraph (a) of each of §§ 1421.58, 1421.98, 1421.218, 1421.253, 1421.343, 1421.373, and 1421.468 are revised to read as follows:

§ 1421.—— Maturity of loans and expiration of purchase agreements.

(a) *Loans.* Loans shall mature in accordance with § 1421.6(c).

* * * * *

Signed at Washington, D.C., on October 16, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 25019 Filed 10-18-85; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1423

[Amdt. 3]

Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations found at 7 CFR 1423.1 *et seq.* relating to the Commodity Credit Corporation (CCC) Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils. The final rule will: (1) Permit a parent company to submit a financial statement for a wholly-owned subsidiary; (2) permit warehousemen to submit financial statements on forms other than on Form WA-51; (3) revise the references to CCC regulations governing suspension and debarment; (4) require that a warehouseman leasing warehouse space must have a lease agreement which can be renewed and which provides for a cancellation notice of a minimum of 120 days; (5) permit CCC to accept an irrevocable letter of credit on forms other than Form CCC-33A; (6) delete the use of a Certificate of Competency issued by the Small Business Administration for a warehouseman who is deficient in net worth; (7) delete certain references to the withdrawal of approval of warehouses by CCC; and (8) make certain other miscellaneous changes.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Barry W. Klein, 202-447-4647, Warehouse Division, U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, DC 20013.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Departmental Regulation 1512-1 and Executive Order 12291 and has been classified "not major." It has been determined that the provisions of this proposed rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

It has been determined that the Regulatory Flexibility Act is not

applicable to this proposed rule since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The commodity Credit Corporation (CCC) Charter Act (15 U.S.C. 714) provides authority for CCC to conduct a number of operations to stabilize, support, and protect farm income and prices. CCC is authorized to carry out such activities as making price support available with respect to various agricultural commodities, removing and disposing of surplus agricultural commodities, exporting or aiding in the exportation of agricultural commodities, and procuring agricultural commodities for sale both in the domestic market and abroad.

Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities, unless CCC determines that private facilities for the storage of such commodities are inadequate. Further, section 5 of the CCC Charter Act provides that, in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, processing, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Accordingly, CCC has set forth Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils which must be met by warehousemen before CCC will enter into storage agreements with such warehousemen for the storage of agricultural commodities which are owned by CCC or which are serving as collateral for price support loans made available by CCC.

During the past few years changes in the processed agricultural commodities warehousing industry and financial institution requirements necessitate updating the Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils.

Accordingly, a notice of proposed rulemaking was published by the Department in the **Federal Register** on May 6, 1985, 50 FR 19026, requesting comments with respect to a number of proposals regarding changes in the Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils. The comment period was for sixty days and ended on July 5, 1985.

Amendments to the regulations were proposed which would: (1) Permit a parent company to submit a financial statement for a wholly-owned subsidiary; (2) permit warehouses to submit financial statements on forms other than on Form WA–51; (3) incorporate for CCC purposes USDA regulations governing suspension and debarment; (4) require that a warehouseman leasing warehouse space must have a lease agreement which can be renewed and which provides for a cancellation notice of a minimum of 120 days; (5) permit CCC to accept an irrevocable letter of credit on forms other than Form CCC–33A; (6) delete the use of a Certificate of Competency issued by the Small Business Administration for a warehouseman who is deficient in net worth; (7) delete certain references to the withdrawal of approval of warehouses by CCC; and (8) make certain other miscellaneous changes.

The only comment received was from a trade association which supported the amendments to the regulations included in the proposed rule. Accordingly, based upon a review of the provisions of the proposed rules it has been determined that those provisions should be adopted as a final rule without change.

List of Subjects in 7 CFR Part 1423

Processed commodities warehouse standards.

Final Rule

Accordingly, the regulations at 7 CFR Part 1423, Subpart—Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils, are amended as follows:

PART 1423—[AMENDED]

1. The authority citation to 7 CFR Part 1423, Subpart—Standards for Approval of Dry and Cold Storage Warehouses for Processed Commodities, Extracted Honey, and Bulk Oils, is revised to read as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714b and c).

2. The table of contents to 7 CFR Part 1423, Subpart-Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils, is amended by adding a new heading as follows:

* * * * *

Sec.

1423.8 OMB Control Numbers Assigned Pursuant to Paperwork Reduction Act.

* * * * *

3. In § 1423.1, paragraphs (b) and (d)(2) are revised to read as follows:

§ 1423.1 General statement and administration.

* * * * *

(b) Copies of the CCC storage agreement and forms required for obtaining approval under this subpart may be obtained from the Kansas City Commodity Office, U.S. Department of Agriculture, P.O. Box 205, Kansas City, Missouri 64141 (hereinafter referred to as the "KCCO").

* * * * *

(d) * * *

(2) A current financial statement on Form WA–51, "Financial Statement", supported by such supplemental schedules as CCC may request. Financial statements may be submitted on forms other than Form WA–51 with approval of the Director, KCCO, or the Director's designee. Financial statements shall show the financial condition of the warehouseman as of a date no earlier than ninety (90) days prior to the date of the warehouseman's application, or such other date as CCC may prescribe. Additional financial statements shall be furnished annually and at such other times as CCC may require. CCC also may require that financial statements prepared by the warehouseman or by a public accountant be examined by an independent certified public accountant in accordance with generally accepted auditing standards. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity. If approved by the Director, KCCO, or the Director's designee, the financial statement of a parent company, which includes the financial position of a wholly-owned subsidiary, may be used to meet the CCC standards for approval for the wholly-owned subsidiary.

* * * * *

4. In § 1423.2, paragraphs (c)(2) and (d)(2) are revised to read as follows:

§ 1423.2 Basic standards.

* * * * *

(c) * * *

(2) Be neither suspended nor debarred under applicable CCC suspension and debarment regulations.

(d) * * *

(2) Be under the control of the contracting warehouseman at all times. If a warehouse is leased by the warehouseman, a copy of the written lease agreement must be furnished to CCC at the time the warehouseman applies for approval under this subpart. The lease agreement must be renewable and must provide that the lessor cannot cancel the agreement without giving at least 120 days notice to the warehouseman. All leases are subject to approval by the CCC Contracting Officer, and

* * * * *

5. In § 1423.3, paragraph (e) is revised to read as follows:

§ 1423.3 Bonding Requirements for Net Worth.

* * * * *

(e) An irrevocable letter of credit may be accepted by CCC in lieu of the required amount of bond coverage provided that the issuing bank is a commercial bank insured by the Federal Deposit Insurance Corporation. Such standby letter of credit shall be on Form CCC–33A, "Irrevocable Letter of Credit", or on such other form as may be specifically approved by the Director, KCCO, or the Director's designee.

§ 1423.5 [Amended]

6. Section 1423.5 is amended by removing paragraph (b) and by redesignating paragraph (c) as paragraph (b).

7. Section 1423.6 is revised to read as follows:

§ 1423.6 Approval of warehouse, requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set forth in this subpart. CCC will send a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of the responsibility for performing the warehouseman's obligations under any agreement with CCC or any other agency of the United States.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set forth in this subpart; and

(2) CCC will send any notice of rejection of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any officials or supervisory employees of the warehouseman are suspended or debarred, CCC will approve the warehouse if the warehouseman establishes that the causes for CCC's rejection of approval have been remedied.

(c) If rejection of approval by CCC is due to the warehouseman's failure to meet the standards set forth:

(1) In ¶ 1423.2, other than the standard set forth in paragraph (c)(2) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director, KCCO, in writing, information in support of such request. The Director shall consider such information in making a determination and notify the warehouseman in writing of such determination. The warehouseman may, if dissatisfied with the Director's determination, obtain a review of the determination and an informal hearing thereon by filing an appeal with the Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"). The time of filing appeals, forms for requesting an appeal, nature of the informal hearing, determination and reopening of the hearing shall be as prescribed in the ASCS regulations governing appeals, 7 CFR Part 780. When appealing under such regulations, the warehouseman shall be considered as a "participant"; and

(2) In § 1423.2(c)(2), the warehouseman's administrative appeal rights with respect to suspension and debarment shall be in accordance with applicable CCC regulations. After expiration of a period of suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

8. Part 1423 is amended to add a new § 1423.8 to read as follows:

§ 1423.8 OMB control numbers assigned pursuant to Paperwork Reduction Act.

The information collection requirements contained in this regulation (7 CFR Part 1423, Subpart—Standards for Approval for Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Oils) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0560–0052, 0560–0044, 0560–0064, 0560–0065, 0560–0034, and 0560–0041.

Signed at Washington, DC, on October 16, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85–25020 Filed 10–18–85; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization

Correction

In FR Doc. 85–22344 beginning on page 37833 in the issue of Wednesday, September 18, 1985, make the following correction: On page 37834, in the second column, under *Class A*, in the third line, "Chelsa" should read "Chelsea".

BILLING CODE 1505–01–M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Transfer of Funds and Equities; Extension of Comment Period

AGENCY: Farm Credit Administration.

ACTION: Final rule; comment period extension.

SUMMARY: The Farm Credit Administration ("FCA"), by its Federal Farm Credit Board ("Federal Board"), published a final regulation with request for comments in the **Federal Register** on September 11, 1985, (50 FR 36985), § 611.1145, that sets forth the standards and procedures under which the FCA may direct a transfer of funds and equities between Farm Credit System ("System") institutions. The FCA hereby gives notice that the original comment period is extended to November 8, 1985.

DATE: The period for receipt of written comments is hereby extended to November 8, 1985.

ADDRESS: All comments should be submitted in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090. Copies of all written communications received will be available for inspection by interested parties in the Office of the Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Peoples, Office of General

Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, (703) 883-4024.

SUPPLEMENTARY INFORMATION: On September 11, 1985, the FCA published in the **Federal Register** a new regulation relating to the standards and procedures under which the FCA may direct a transfer of funds and equities between System institutions. Since the publication of the final regulations, the FCA has received several comments requesting additional time to respond to the regulation. The Federal Board has determined that an extended comment period would be beneficial in order to ensure that the interested parties have an opportunity to comment on the final regulation.

Donald E. Wilkinson,

Governor.

[FR Doc. 85-25033 Filed 10-18-85; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-37-AD; Amdt. 39-5159]

Airworthiness Directives: Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection and repair, as necessary, of the side of body rib upper chord at Body Buttock Line (BBL) 70.85 and Body Station (BS) 663.75 on certain Boeing Model 737 airplanes. This action has been prompted by numerous reports of cracking in this vicinity. Failure to detect cracks in the BBL 70.85 rib upper chord prior to their reaching critical length may result in severe reduction of load carrying capability and possible rapid loss of cabin pressure.

EFFECTIVE DATE: November 25, 1985.

ADDRESSES: The applicable service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM-120S; telephone (206) 431-2926. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection and repair, as necessary, of the body buttock line (BBL) 70.85 upper rib chord on certain Boeing Model 737 series airplanes was published in the **Federal Register** on May 3, 1985, (50 FR 18875). The comment period for the proposal closed on June 24, 1985.

The proposal was prompted by numerous reports of cracks in both the BBL 70.85 rib upper chord and the BS 663.75 bulkhead fitting. Cracks typically have occurred in the aft vicinity of the upper wing-to-body joint and are attributed to a previously undetected localized cyclic stress, which occurs during approach and landings.

Interested persons have been afforded an opportunity to participate in the making of this AD and due consideration has been given to all comments received.

Two commenters requested elimination of the two year modification requirement as stated in Paragraph C. of the proposed rule. The proposal would require incorporation of the Preventative Modification within two years after the accomplishment of the interim "stop drilling" repair, or within two years after the effective date of the AD, whichever is later. The commenters wanted to continue operation with "stop drilled" cracks until the next heavy maintenance inspection or until the crack reaches critical length. The FAA does not concur with the request for several reasons. First, it is not FAA policy to permit extended operation with known cracks in critical structural elements. Secondly, it has not been satisfactorily determined that operators could detect all crack growth beyond the "stop drill" procedure prior to the crack reaching a specified limit. Furthermore, with the variation between heavy maintenance intervals for different operators, a large number of airplanes could be operating for years with "stop drilled" cracks in this critical area. The "stop drilling" procedure, as stated in the manufacturer's service bulletin, is an interim repair, to be supplemented by a permanent repair at the earliest opportunity. Over a period of time, cracking in structure adjacent to the stop drilled part is possible and may seriously degrade the overall strength of the structure. Finally, AD 85-01-07 (50 FR 2773), dated January 22, 1985, which requires similar inspections in accordance with Boeing Service Bulletin 737-57-1087, Revision 4, has a two year limitation on the "interim stop drill repair" of earlier line numbered airplanes. The FAA is not aware of any exception that would justify extended use of the interim repair on the later line numbered airplanes addressed by this amendment.

One commenter requested that the repetitive inspection interval of 5,000 landings be increased to 5,200 landings to accommodate operator utilization. The inspection intervals for this rule are based on a fatigue analysis associated with a cyclic loading during typical ground-air-ground flight cycles. The FAA does not consider it prudent to arbitrarily extend the inspection interval at this time without adequate technical substantiation. Paragraph H. of the proposal provides a means to adjust repetitive inspection intervals, if justified.

Finally, a commenter noted that the estimated manhours to accomplish the modification, as described in the preamble to the proposed rule, are considerably lower than what the commenter has experienced. The manhour estimates are taken directly from the manufacturer's service bulletin and are used to assess the overall economic impact on the U.S. fleet. The FAA recognizes that these figures are estimates and may vary between operators and airplanes.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 96 airplanes of U.S. registry will be affected by this AD and that approximately 38 manhours per airplane will be required to perform the necessary inspections. Modification, if necessary, requires an additional 668 manhours per airplane. Based on an average labor cost of $40 per manhour, the total cost to the U.S. fleet for accomplishment of the required inspections and modifications, if necessary, will be $146,000 and $2,570,000, respectively.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by

small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, certificated in any category, listed in Boeing Service Bulletin 737-57-1137, Revision 2, dated November 9, 1984. Unless previously accomplished, prior to the accumulation of 10,000 landings or within 180 days or 2,500 landings after the effective date of this AD, whichever occurs later, accomplish the following to detect cracking which may lead to failure of the body buttock line (BBL) 70.85 rib upper chord:

A. Visually inspect the BBL 70.85 rib upper chord for cracks in accordance with Table I of the Flight Safety Addendum of Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA-approved revisions. Repeat the inspections at intervals not to exceed 5,000 landings.

B. If cracks are detected, prior to further flight repair cracked parts in accordance with Table I of the Accomplishment Instructions or the Preventative Modification Part III or Special Preventative Modification Part IV of the "Accomplishment Instructions" in Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA-approved revisions.

C. Parts repaired in accordance with the "stop drilling" interim action in Table I of the Accomplishment Instructions of Boeing Service Bulletin 737-57-1137, Revision 2, must be visually reinspected at intervals not to exceed 1,500 landings and must be repaired in accordance with the Preventative Modification Part III or Special Preventative Modification Part IV of Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA-approved revisions, within two years after the effective date of this AD or within two years after the accomplishment of the interim repair, whichever occurs later.

D. The repetitive inspection requirements of this AD may be terminated if the Preventative Modification Part III or the Special Preventative Modification Part IV of the Accomplishment Instructions in Boeing Service Bulletin 737-57-1137, Revision 2, or later FAA-approved revisions, is incorporated.

E. Airplanes may be ferried to a maintenance base for repairs or replacement of parts in accordance with FAR 21.197 and 21.199.

F. For the purpose of this AD, and when approved by an FAA Maintenance Inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

G. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

H. Upon the request of an operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

The Amendment becomes effective November 25, 1985.

Issued in Seattle, Washington, on October 11, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-24961 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ANM-9]

Establish Transition Area; Cowley, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action provides controlled airspace from 700 feet above the surface for aircraft executing a new instrument approach procedure to North Big Horn County Airport. The purpose is to segregate aircraft operating in instrument weather conditions and other aircraft operating in visual weather conditions. The area will be shown on aeronautical charts enabling pilots to circumnavigate controlled airspace or otherwise comply with instrument flight rules.

EFFECTIVE DATE: 0901 G.m.t., November 21, 1985.

FOR FURTHER INFORMATION CONTACT: Ted Melland, Airspace & Procedures Specialist, ANM-533, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone (206) 431-2533.

SUPPLEMENTARY INFORMATION:

History

On May 13, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot transition area (50 FR 19949).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The United States Air Force (USAF) objected on the basis that more than 25 aircraft in military training activities would be blocked by the new approach procedure. However, radio and radar coverage in the area will permit routine air traffic control separation and few, if any, delays are anticipated for either the military training aircraft, or the aircraft using the approach procedure. The USAF has now removed the objection.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations provides controlled airspace for aircraft conducting instrument flight rule (IFR) operations.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition area/Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. By amending § 71.181 as follows:

Cowley, Wyoming [New]

That airspace extending upward from 700 feet above the surface within an 8 mile radius of the North Big Horn County Airport (lat. 44°54'45" N/long. 108°26'39" W) from the 324 true bearing from the airport clockwise to the 134° true bearing from the airport; and within a 12-mile radius of the airport from the 134 true bearing from the airport clockwise to the 324° true bearing from the airport, extending the Powell, Wyoming, 700 feet transition area.

Issued in Seattle, Washington, on October 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-24955 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 18 and 114

[T.D. 85-180]

Customs Regulations Amendments Relating to Limitation of Liability of Domestic Guaranteeing Associations Under TIR Carnets and Other Matters

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: Customs is amending its regulations relating to the limitation on liability of U.S. guaranteeing associations for shortages or improper deliveries of goods carried under the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets. The changes are made necessary by the accession of the U.S. to the latest of those Conventions.

In acceding to the TIR Convention, countries agree that standardized procedures will be observed in administering shipments of merchandise covered by Convention terms. The TIR Convention, to which the U.S. has acceded, places limits on the nature of a guaranteeing association's liability, as well as the dollar amount of that liability for shortages and irregularities in deliveries of merchandise. The amendments reflect these latest changes, in addition to making other clarifying points, including the fact that the period of validity for A.T.A. carnets cannot be extended.

EFFECTIVE DATE: November 20, 1985.

FOR FURTHER INFORMATION CONTACT: Arnold L. Sarasky, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8648).

SUPPLEMENTARY INFORMATION:

Background

Carnets are international customs documents, backed by an internationally valid guarantee, which may be used for the entry of articles under various customs procedures such as temporary importation and transportation in bond (transit). The carnet is used in place of the usual national customs documentation and guarantees the payment of duties (including taxes) which may become due if the requirements under a particular customs procedure are not satisfied. The existence of a single international document rather than numerous national documents facilitates international commerce.

The Customs Convention on the International Transport of Goods Under Cover of TIR (International Road Transport) Carnets, 1959, TIAS 6633, represents the efforts of acceding nations to standardize their procedures regarding the movement of goods travelling under such carnets. The U.S. acceded to the 1959 TIR Convention, with the Customs procedures for administering the movement of goods under carnets being contained in Parts 18 and 114, Customs Regulations (19 CFR Parts 18 and 114). Most recently, the U.S. acceded to an updated version of the Convention done at Geneva, on November 14, 1975 (1975 TIR Convention), which agreement strictly limited the liability of guaranteeing associations (associations in the U.S. approved by the Commissioner of Customs to guarantee the payment of obligations shipped under a TIR carnet). To reflect the limits of liability of guaranteeing associations and to reference the 1975 TIR Convention, and to make clear that pursuant to Articles 4 and 5 of the A.T.A. Carnet Convention, the period of validity for A.T.A. carnets cannot be extended, it is necessary to amend Parts 18 and 114, Customs Regulations (19 CFR Parts 18, 114).

Section 18.6(d), Customs Regulations (19 CFR 18.6(d)), describes the procedure to be followed when merchandise covered by a carnet cannot be recovered intact following shortages, irregular delivery, or nondelivery of merchandise. The section now provides that the domestic guaranteeing association is liable for unspecified pecuniary penalties, liquidated damages, duties, and taxes. The amendment reflects the changes made by the 1975 TIR Convention by eliminating reference to pecuniary penalties and by limiting the liability of a guaranteeing association for duties, taxes, and amounts collected in lieu thereof, to $50,000 per TIR carnet. The initial bonded carrier in the U.S. will continue to be liable to Customs for all items beyond the liability of the domestic guaranteeing association. Thus, Customs will remain fully covered to protect the revenue of the U.S.

Section 18.8(e), Customs Regulations (19 CFR 18.8(e)), concerns the liability of domestic guaranteeing associations as well as the time limits for notifying such associations of shortages, irregular deliveries, and nondeliveries. The amendment eliminates all mention of guaranteeing associations' liability for anything other than duties, taxes, and amounts collected in lieu thereof, up to $50,000 per TIR carnet, and makes other minor changes as well to accurately reflect the terms of the 1975 TIR Convention.

Section 114.1(f), Customs Regulations (19 CFR 114.1(f)), provides the definition of a TIR Carnet for the purposes of Part 114, Customs Regulations, the portion of the regulations which describes the use of all manner of carnets. The amendment removes the outdated reference to TIAS 6633, the 1959 TIR Convention number. The 1975 TIR Convention has not been assigned a TIAS number.

Section 114.2(c), Customs Regulations (19 CFR 114.2(c)), states that the regulations in Part 114 relate to carnets provided for in the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets, without designating any particular Convention. The amendment adds a citation to the 1975 TIR Convention.

Section 114.23(a), Customs Regulations (19 CFR 114.23(a)), provides that no A.T.A. Carnet (temporary importation carnet) with a period of validity exceeding one year from the date of issue shall be accepted. Constant inquiries are made as to whether the period of validity can be extended. The A.T.A. Carnet Convention (Articles 4 and 5) states that the period of validity cannot be extended under any circumstances, and the amendment makes this clear as well.

Section 114.31(b), Customs Regulations (19 CFR 114.31(b)), provides that merchandise which is restricted from temporary importation under bond is likewise restricted from entry under cover of A.T.A. or E.C.S. carnet. The U.S. has denounced the E.C.S. convention and the amendment removes the reference to that Convention from the regulations.

On January 11, 1985, Customs published a notice in the **Federal**

Register (50 FR 1546), proposing these changes and requesting comments. No comments were received. Therefore, it has been determined to amend the regulations as proposed, without change.

E.O. 12291 and Regulatory Flexibility Act

It has been determined that the amendments are not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601–612), it is certified that the regulations will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Parts 18 and 114

Customs duties and inspection, Imports.

Amendments to the Regulations

Parts 18 and 114, Customs Regulations (19 CFR Parts 18, 114), are amended as set forth below:

PART 18—TRANSPORTATION IN-BOND AND MERCHANDISE IN-TRANSIT

1. The authority citation for Part 18 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnt. 11), 1551, 1552, 1553, 1624;
Section 18.3 also issued under 19 U.S.C. 1565;
Section 18.4 also issued under 19 U.S.C. 1322, 1323,
Section 18.7 also issued under 19 U.S.C. 1557; 1646a;
Section 18.8 also issued under 19 U.S.C. 1623;
Section 18.10 also issued under 19 U.S.C. 1557;
Sections 18.11 and 18.12 also issued under 19 U.S.C. 1484;
Section 18.13 also issued under 19 U.S.C. 1498(a);
Section 18.14 also issued under 19 U.S.C. 1498.

2. All other statutory authority cited at the end of various sections in Part 18 is removed.

§ 18.6 [Amended]

3. The first sentence of § 18.6(d) is amended by removing the words "pecuniary penalties,".

4. Section 18.8(e)(1) is revised to read as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery; penalties.

* * * * *

(e)(1) The domestic guaranteeing association shall be jointly and severally liable with the initial bonded carrier for duties and taxes accruing to the U.S., and any other charges imposed, in lieu thereof, as the result of any shortage, irregular delivery, or nondelivery at the port of destination or port of exit of merchandise covered by a TIR carnet. The liability of the domestic guaranteeing association is limited to $50,000 per TIR carnet for duties, taxes, and sums collected in lieu thereof. Penalties imposed as liquidated damages on the initial bonded carrier, and sums assessed the guaranteeing association in lieu of duties and taxes for any shortage, irregular delivery, or nondelivery shall be computed in accordance with paragraphs (b) (1), (2), and (3) of this section. If a TIR carnet has not been discharged or has been discharged subject to a reservation, the guaranteeing association shall be notified within 1 year of the date upon which the carnet is taken on charge, including time for receipt of the notification, except that if the discharge shall have been obtained improperly or fraudulently the period shall be 2 years. However, in cases which become the subject of legal proceedings during the above-mentioned period, no claim for payment shall be made more than 1 year after the date when the decision of the court becomes enforceable.

PART 114—CARNETS

1. The authority citation for Part 114 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen Hdnt. 11), 1623, 1624.

§ 114.1 [Amended]

2. Section 114.1(f) is amended by removing the designation "(TIAS 6633)".

3. Section 114.2(c) is revised to read as follows:

§ 114.2 Customs Conventions.

* * * * *

(c) Customs Convention on the International Transport of Goods Under Cover of TIR Carnets, done at Geneva on November 14, 1975, as well as the 1959 TIR Convention, TIAS 6633.

§ 114.23 [Amended]

4. Section 114.23(a) is amended by adding a new sentence at the end thereof to read, "This period of validity cannot be extended".

§ 114.31 [Amended]

5. Section 114.31(b) is amended by removing the words, "or E.C.S.".

William von Raab,
Commissioner of Customs.

Approved: October 2, 1985.

David D. Queen,
Acting Assistant Secretary of the Treasury.

[FR Doc. 85-25007 Filed 10-18-85; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Halofuginone and Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Hoechst Corp. The NADA provides for the use of halofuginone hydrobromide in combination with bambermycins for the prevention of coccidiosis, increased rate of weight gain, and improved feed efficiency in broiler chickens.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: American Hoechst Corp., Animal Health Division, Route 202-206 North, Somerville, NJ 08876, has filed NADA 137-483 providing for use of bambermycins at 1 to 2 grams per ton in combination with halofuginone 3 parts per million in complete broiler feeds. The feeds are used for the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima,* and for improved feed efficiency and increased rate of weight gain. The application is approved and the regulations amended accordingly. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support

approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. In § 558.95 by adding new paragraph (e)(3) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(e) * * *

(3) Bambermycins may be used as in this section in combination with:

(i) Halofuginone as in § 558.265.

(ii) [Reserved]

3. In § 558.265 by redesignating paragraph (e) (2) and (3) as paragraph (e)(1) (i) and (ii) and adding new paragraph (e)(2) to read as follows:

§ 558.265 Halofuginone hydrobromide.

* * * * *

(e) * * *

(2) *Amount per ton.* Halofuginone 3 parts per million plus bambermycins 1 to 2 grams.

(i) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima;* for increased rate of weight gain and improved feed efficiency.

(ii) *Limitations.* Feed continuously as sole ration; withdraw 5 days before slaughter; do not feed to layers.

Dated: October 11, 1985.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 85-24972 Filed 10-18-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 48 and 602

[T.D. 8043]

Manufacturers Excise Taxes on Sporting Goods and Firearms and Other Administrative Provisions of Special Application To Manufacturers and Retailers Excise Taxes; Reporting and Recordkeeping Requirements; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: On August 8, 1985, the Internal Revenue Service published final regulations (50 FR 32012) relating to manufacturers excise taxes on sporting goods and firearms and other administrative provisions especially applicable to manufacturers and retailers excise taxes (T.D. 8043).

This document contains corrections to that **Federal Register** publication.

FOR FURTHER INFORMATION CONTACT: Ada S. Rousso of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn: CC:LR:T). Telephone 202-566-3287 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, T.D. 8043 included an error in an illustrative calculation and omitted the CFR part number for a sequence of entries that are to be removed from the table of OMB control numbers for Title 26.

Correction of Publication

Accordingly, the publication of Treasury Decision 8043, which was the subject of FR Doc. 85-18444, is corrected as follows:

§ 48.6416(b)(1)-2 [Corrected]

1. On page 32025, in the first column, in § 48.6416(b)(1)-2, paragraph (a)(2)(i), paragraph (B) of the *Example*, that part of the illustrative calculation that reads "$19\frac{1}{100}$" is removed and the figure "$19\frac{1}{110}$" is added in its place.

§ 602.101 [Corrected]

2. On page 32050, in the third column, the table of numbers that begins with the entry "6416(b)-1(d) . . . . . 1545-0023" and end with the entry "64 . . . . . 1545-0023" is removed and the following table is added in its place:

48.6416(b)-1(d)	1545-0023
48.6416(b)-2(b)	1545-0023
48.6416(b)-2(c)	1545-0023
48.6416(b)-3 (a) and (c)	1545-0023
6416(b)-4(c)	1545-0023
6416(b)-5(c)	1545-0023
6420(f)-1 (a) and (b)	1545-0023
6420(c)-2 (c), (d) and (e)	1545-0023
6421(c)-1 (a), (b), (c) and (d)	1545-0024
6421(g)-1 (a), (b) and (c)	1545-0024

Peter K. Scott,

Director, Legislation and Regulations Division.

[FR Doc. 85-24902 Filed 10-18-85; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Service

31 CFR Part 355

Regulations Governing Fiscal Agency Checks

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Interim rule: Request for comments.

SUMMARY: By this interim rule, the Bureau of the Public Debt is authorizing Federal Reserve Banks to issue, as fiscal agents of the United States, a distinctive instrument, referred to as a fiscal agency check, for payments in connection with United States securities. Such checks will provide the Treasury with better control over the payment and relief process and, thereby, reduce the exposure to losses. The rule prescribes the governing law, the rights and liabilities of the United States and the Federal Reserve Banks on these checks, and the procedures to be followed in connection with a claim for their loss, theft, or destruction. Although the rule is effective upon publication, the Bureau will consider timely comments filed by the public before adopting a final rule.

DATE: This interim rule is effective on October 21, 1985. Comments are due by December 20, 1985.

ADDRESS: Send comments to the Office of the Chief Counsel, Bureau of the Public Debt, Washington, D.C. 20239-0001.

FOR FURTHER INFORMATION CONTACT: Cynthia Reese, Attorney-Advisor, (202) 376-4320, or John E. Logue, Attorney-in-Charge, (202) 447-9859.

SUPPLEMENTARY INFORMATION: Because of the large volume of Treasury checks issued and the centralized reconciliation of these checks, the process for determining the status of a Treasury check and for handling claims and issuance of replacement checks can be lengthy. This, in turn, can result in losses to the Government, the payee, or the paying or presenting bank.

Section 15 of the Federal Reserve Act, Act of December 23, 1913, c. 6, 38 Stat. 251 (12 U.S.C. 391), provides the Secretary of the Treasury with authority to require Federal Reserve Banks to act as fiscal agents of the United States. In order to obtain better control over the payment process and to reduce losses, this interim rule authorizes Federal Reserve Banks, as fiscal agents, to issue fiscal agency checks in connection with payments on Treasury securities. Fiscal agency checks are drawn by a Federal Reserve Bank in its capacity as fiscal agent of the United States. The checks are drawn on a Federal Reserve Bank in its banking capacity.

Fiscal agency checks are not the same as Treasury checks, but they represent obligations of the United States and, as such, are governed by Federal, rather than local, law. These regulations set forth the rights and duties of the United States, the Federal Reserve Banks, the presenting and paying banks, and the payees with respect to these checks. They retain the substance of court decisions that have established a Federal rule applicable where the United States is the drawer of the check.[1] Definitions and other matters not specifically covered by these regulations are governed by Regulation J of the Board of Governors of the Federal Reserve System, (12 CFR Part 210), and by the Uniform Commercial Code, as drafted by the National Conference of Commissioners on Uniform State Laws, as both may from time to time be revised. They include, but are not limited to, rules regarding general presentment and transfer warranties (as modified herein), indorsement, and final payment.

This rule will be effective upon publication. However, the timeframe in which each Federal Reserve Bank will begin issuing fiscal agency checks is expected to vary, based on the changes necessary to accommodate the issuance and reconciliation of the checks at each Reserve Bank.

Special Analyses

Because this interim rule relates to payment procedures for Treasury securities, the notice and public procedures, and the delayed effective date requirements of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). Moreover, because this rule will provide better control over the payment and replacement of checks issued in connection with Treasury securities and will minimize losses to the Government, financial institutions, and holders of Treasury securities, the Department finds that notice and public procedures would be contrary to the public interest.

It has been determined that this rule does not constitute a "major rule" for purposes of Executive Order 12291. A regulatory impact analysis, therefore, is not required. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply to this interim rule.

List of Subjects in 31 CFR Part 355

Banks and banking, Claims, Federal reserve system, Government securities.

Dated: October 15, 1985.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Part 355 is added to Subchapter B of Title 31, Code of Federal Regulations, Chapter II, and issued as Department of the Treasury Circular, Public Debt Series No. 27–85, to read as follows:

PART 355—REGULATIONS GOVERNING FISCAL AGENCY CHECKS

Sec.

Authority: 31 U.S.C. Chapter 31; 12 U.S.C. 391.

§ 355.0 Applicability.

The regulations in this part prescribe the rights and liabilities of the United States, the Federal Reserve Banks, and others on fiscal agency checks. They apply to checks issued on behalf of the United States for payments in connection with United States securities. The checks are issued by a Federal Reserve Bank, in its capacity as fiscal agent of the United States. The checks are drawn on the payor Federal Reserve Bank in its banking capacity. They are referred to from time to time as fiscal agency checks. The drawer of a fiscal agency check is the United States; the drawee is a Federal Reserve Bank. Therefore, a fiscal agency check shall not be deemed to be drawn on the United States nor shall the Federal Reserve Bank be deemed its drawer.

§ 355.1 Governing law.

Except as otherwise provided by statute or this part, the regulations governing checks drawn on the United States or on designated depositories of the United States (*e.g.*, 31 CFR Parts 235, 240, 245, and 248) are inapplicable to fiscal agency checks. As to definitions and other matters not specifically covered in this Part, fiscal agency checks are governed by Regulation J of the Board of Governors of the Federal Reserve System, 12 CFR Part 210 ("Regulation J"), and to the extent not otherwise inconsistent with these regulations and Regulation J, the Uniform Commercial Code ("U.C.C."), as drafted by the National Conference of Commissioners on Uniform State Laws, and as both may from time to time be revised. Such matters include, but are not limited to, rules regarding general presentment and transfer warranties (as modified herein), indorsement, and final payment.

§ 355.2 Definitions.

"Department" means the United States Department of the Treasury.

"Depository institution" means an entity described in section 19(b) of the Federal Reserve Act.[2]

"Fiscal agency check" means any check drawn upon a Reserve Bank and issued on the Department's behalf by the Reserve Bank in its capacity as fiscal agent of the United States for payments in connection with United States securities.

"Payee" means the person to whom a fiscal agency check is made payable.

"Payor Reserve Bank" means the Reserve Bank on which a fiscal agency check is drawn.

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[1] These results are incorporated in § 355.4(a) of the interim regulations. *See National Metropolitan Bank v. United States*, 323 U.S. 454 (1954); *United States v. City Nat'l Bank and Trust*, 491 F.2d 851, 854 (8th Cir. 1974); *United States v. Bank of America Nat'l Trust and Saving Ass'n*, 438 F.2d 1213 (9th Cir.), *cert. den.*, 404 U.S. 864 (1971); *but cf. Bank of America Nat'l Trust and Sav. Ass'n v. United States*, 552 F.2d 302 (9th Cir. 1977).

[2] Under section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)), the term "depository institution" means:

(i) Any insured bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(ii) any mutual savings bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(iii) any savings bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(iv) any insured credit union as defined in 12 U.S.C. 1752 or any credit union which is eligible to make application to become an insured credit union pursuant to 12 U.S.C. 1781;

(v) any member as defined in 12 U.S.C. 1422; and

(vi) any insured institution as defined in 12 U.S.C. 1724 or any institution which is eligible to make application to become an insured institution under 12 U.S.C. 1726.

"Presenting bank" means a depository institution which sends a fiscal agency check directly to a Reserve Bank for payment or collection.

"Reserve Bank" or "Federal Reserve Bank" means any Federal Reserve Bank or any branch of a Federal Reserve Bank.

"Security" means a direct obligation of the United States, including Treasury bill, note, or savings bond/note.

§ 355.3 Presentment.

(a) *Manner of Presentment.* Presentment of a fiscal agency check must be made to the payor Reserve Bank. Such Reserve Bank will cash a fiscal agency check over-the-counter only if presented by the payee and the payee can be reasonably identified to the satisfaction of the Reserve Bank. Otherwise, a fiscal agency check must be presented through banking channels. A refusal to accept or pay a fiscal agency check presented over-the-counter by a person other than the payee or by a payee not reasonably identified does not constitute dishonor.

(b) *Time limit on presentment.* A payor Reserve Bank may refuse to pay a fiscal agency check presented to it more than six (6) months after the issue date on the check. A fiscal agency check not timely presented should be surrendered by the holder to the payor Reserve Bank with a request for issuance of a replacement check pursuant to § 355.5 (d) of this part.

§ 355.4 Presentment warranties.

(a) *Warranties under Regulation J and State law; modifications.* A presenting bank makes the warranties required of a sender under Subpart A of Regulation J. This subsection does not limit any warranty by a presenter or other party arising under State law. Neither the Department nor a Reserve Bank is barred from recovering on a breach of warranty solely because:

(1) the negligence of the Department or of a Reserve Bank, as fiscal agent, had contributed to a fraudulent indorsement or material alteration;

(2) the Department or a Reserve Bank, as fiscal agent, had failed promptly to discover an unauthorized signature or alteration; or

(3) an imposter had fraudulently caused the issuance of a fiscal agency check in the name of any existing payee; or

(4) an employee of the Department or a Reserve Bank, as fiscal agent, had fraudulently caused the issuance of a fiscal agency check in the name of any existing payee.

(b) *Effect of breach of warranty.* In the event of a breach of warranty, the payor Reserve Bank may either return the item to the presenting bank or send to the presenting bank notice of the breach. If, upon receipt of the returned check or notice of breach, the presenting bank does not make prompt restitution, the Department may begin appropriate collection procedures.

§ 355.5 Notice and replacement—non-receipt, theft, loss or destruction; late presentment.

(a) *Notification.* If a fiscal agency check is not received by the payee within a reasonable time after a payment is due, or if the check is lost, stolen or destroyed, prompt notification thereof should be made to the payor Reserve Bank or directly to the Department, as appropriate. The notice may be given by telephone, but if it is given by telephone, such notice must be confirmed in writing before a replacement check is issued. The notification must contain sufficient information to enable the payor Reserve Bank or the Department to identify the account and/or the security to which the payment is related. Payment on a fiscal agency check will be stopped if the notice of non-receipt, loss, theft, or destruction is received at such time and in such manner as to afford the payor Reserve Bank a reasonable opportunity to act on it prior to final payment, as provided by applicable law.

(b) *Replacement action.* The payor Reserve Bank will issue a replacement fiscal agency check if:

(1) written notice, as provided in paragraph (a) of this section, is submitted;

(2) the fiscal agency check is unpaid;

(3) it determines that recovery of the original check is unlikely; and

(4) the payee and endorsee, if any, of the check execute such identification agreement as may be required.

(c) *Recovery before replacement.* If prior to the issuance of a replacement fiscal agency check, the original check is recovered by the payee or any holder, and such recovery is confirmed in writing, the stop payment order against the check will be removed. If a replacement check was issued, the original check should be returned to the payor Reserve Bank.

(d) *Late presentment.* If a payor Reserve Bank refuses payment on a fiscal agency check solely as a result of § 355.3(b) of this part, a replacement check will be issued to a payee or holder upon surrender of the original check and execution of such indemnification agreement as may be required.

(e) *Improper endorsement.* Upon verification of the existence of a forged or unauthorized endorsement on a fiscal agency check which has been finally paid, the payor Reserve Bank shall issue a replacement check to the person entitled. In any event, the payee or endorsee of the check will be required to execute an affidavit asserting that there has been a forged or unauthorized endorsement, in addition to any required indemnification agreement.

(f) *Payment to two or more persons.* In the case of a fiscal agency check payable to the order of two or more persons, the requirements of this section apply to all designated payees.

§ 355.6 Additional requirements.

In any case or any class of cases arising under these regulations, the Secretary of the Treasury ("Secretary") may require such additional evidence of loss, improper endorsement or entitlement to a replacement as may in the judgment of the Secretary be necessary for the protection of the interests of the United States.

§ 355.7 Waiver of regulations.

The Secretary reserves the right, in the Secretary's discretion, to waive any provision(s) of these regulations in any case or class of cases for the convenience of the United States or in order to relieve any person(s) of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and the Secretary is satisfied that such action will not subject the United States to any substantial expense or liability.

§ 355.8 Supplements, amendments or revisions.

The Secretary may, at any time, prescribe additional supplemental, amendatory or revised regulations with respect to fiscal agency checks.

[FR Doc. 85-24934 Filed 10-18-85; 8:45 am]
BILLING CODE 4810-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 218

Guidance for the Determination and Reporting of Nuclear Radiation Dose for DOD Participants in the Atmospheric Nuclear Test Program

AGENCY: Defense Nuclear Agency, DOD.

ACTION: Final rule.

SUMMARY: This rule, as amended, establishes minimum standards for reporting nuclear radiation doses. The standards are uniformly applicable to all branches of the Military Services and

shall be used in preparing radiation dose estimates in responses to inquiries by the Veterans Administration in connection with claims for compensation, or by any veteran or survivor. The rule provides explicit instructions requiring that each radiation dose estimate include available information regarding all material aspects of the radiation environment to which the veteran was exposed, including inhaled, ingested, and neutron doses.

EFFECTIVE DATE: This rule will be effective November 20, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Brittigan, General Counsel, (202) 325-7681.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 1983, in compliance with a Memorandum Order in the case of *Gott vs. Nimmo*, Civil Action 80-0906, D.D.C., the Defense Nuclear Agency published a final code rule (48 FR 10645) which set forth policies, procedures, and dose reconstruction methodology to establish standardized scientific principles for dose reconstruction methodology for DOD participants in the atmospheric nuclear test program (1945 to 1962). On March 22, 1985, the United States Court of Appeals for the District of Columbia Circuit reversed the decision of the District Court (Civ Nos. 82-1159; 82-1448; 82-1454; 80-0906). On October 24, 1984, H.R. 1961, "Veterans' Dioxin and Radiation Exposure Compensation Standards Act," was enacted as Pub. L. 98-542. The Act requires the Defense Nuclear Agency to publish guidelines specifying minimum standards for the reporting of dose estimates for veterans who participated in the atmospheric nuclear test program (1945 to 1962) and in the occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946. On May 9, 1985, the Defense Nuclear Agency (DNA) published and solicited public comments on a proposed amendment to the guidelines published at 32 CFR Part 518, (50 FR 19538).

In addition, in June 1985, DNA mailed packets of information to 40,500 veterans involved in atmospheric nuclear tests and the occupation of Japan. Each packet contained a copy of the **Federal Register** entry cited above, and asked for comments. Two comments pertinent to the proposed rule were received from individual veterans and one comment was received from a veterans' organization. These comments were considered as explained in the following discussion.

Discussion of Comments

One individual stated that he favored the amendment as proposed. The other individual commented that he did not understand how radiation doses could be determined in view of the fact that many service members did not wear film badges and there were variations between the tests. DNA feels that adequate data is available regarding film badge records, the radiological environments, activities of participants, internal exposure hazards, and all other factors in the methodology.

The veterans' organization recommended language changes to §§ 218.1 and 218.4 to include specific references to exposure levels for initial, fallout and residual radiations: i.e., reporting of neutron, and gamma radiation doses for initial exposure, and beta and gamma radiation doses for fallout exposures, and neutron, gamma, beta, and alpha radiation doses for residual levels.

DNA carefully considered the recommended changes and concluded that all of the specific items to which they refer are encompassed within the term "all material aspects of the radiation environment," in paragraph (a) of § 218.1 of the proposed amendment. Accordingly under the terms of the final rule, as amended, all of these elements will be addressed if material. Nevertheless, DNA has amended § 218.1 and 218.4 to specifically mention initial neutron, initial gamma, residual gamma, and internal (inhaled and ingested) alpha, beta, and gamma as matters to be considered in determining the total exposure of the veteran.

The veterans' organization further suggested that the last paragraph of § 218.4 of the proposed amendment be changed to provide that all reports to the Veterans Administration, the veteran, and/or his or her representative include the specific methodologies and assumptions employed in estimating the veteran's dose. After careful consideration, DNA concluded that this recommendation would place an undue burden on the services providing information since the time and cost of the response to an inquiry would be approximately tripled. Additionally, there has been no demonstrated interest by individual veterans for this information. For more than a year, copies of responses to VA inquiries have been provided to veterans, including a point of contact in case the veteran had any questions regarding the dose estimate. Less than 1% of the veterans have requested additional information regarding their dose estimate. Accordingly, under the terms of the final rule, as amended, the information will be provided upon request.

In addition, in the course of a review of the Nuclear Test Personnel Review Program, DNA determined that responses to the Veterans Administration should include a discussion of the uncertainties associated with recorded film badge doses. This change was incorporated into § 218.4(e).

Regulatory Impact Analysis

In accordance with E.O. 12291, the Department of Defense has determined that this rule, as amended, is not a "major rule" and is not subject to such an analysis.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b) the Department of Defense has determined that this rule, as amended, will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This rule, as amended, does not impose any additional reporting or recordkeeping requiring Office of Management and Budget clearance.

List of Subject in 32 CFR Part 218

Radiation dose determination, Dose reconstruction, Dose reconstruction methodology, Military personnel, Radiation environment, Radioactive material.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 15, 1985.

Accordingly, 32 CFR Part 218 is revised to read as follows:

PART 218—GUIDANCE FOR THE DETERMINATION AND REPORTING OF NUCLEAR RADIATION DOSE FOR DOD PARTICIPANTS IN THE ATMOSPHERIC NUCLEAR TEST PROGRAM (1945-1962)

Sec.

Authority: Pub. L. 98-542, 98 Stat. 2725 (38 U.S.C. 354 Note.)

§ 218.1 Policies.

(a) Upon request by the Veterans Administration in connection with a claim for compensation, or by a veteran or his or her representative, available information shall be provided by the applicable Military Service which shall include all material aspects of the

radiation environment to which the veteran was exposed and shall include inhaled, ingested and neutron doses. In determining the veteran's dose, initial neutron, initial gamma, residual gamma, and internal (inhaled and ingested) alpha, beta, and gamma shall be considered. However, doses will be reported as gamma dose, neutron dose, and internal dose. The minimum standards for reporting dose estimates are set forth in § 218.4.

(b) The basic means by which to measure dose from exposure to ionizing radiation is the film badge. Of the estimated 220,000 Department of Defense participants in atmospheric nuclear weapons tests, about 145,000 have film badge dose data available. The information contained in the records has been reproduced in a standard format and is being provided to each military service, which can use the film badge dose data to obtain a radiation dose for a particular individual from that service. This is done upon request from the individual, the individual's representative, the Veterans Administration, or others as authorized by the Privacy Act. Upon request, the participant or his or her authorized representative will be informed of the specific methodologies and assumptions employed in estimating his or her dose. The participant can use this information to obtain independent options regarding exposure.

(c) From 1945 through 1954, the DoD and Atomic Energy Commission (AEC) policy was to issue badges only to a portion of the personnel in a homogeneous unit such as a platoon of a battalion combat team, Naval ship or aircraft crew. Either one person was badged in a group performing the same function, or only personnel expected to be exposed to radiation were badged. After 1954, the policy was to badge all personnel. But, some badges were unreadable and some records were lost or destroyed, as in the fire at the Federal Records Center in St. Louis. For these reasons the Nuclear Test Personnel Review (NTPR) Program has focused on determining the radiation dose for those personnel (about 75,000) who were not issued film badges or for whom film badge records are not available.

(d) In order to determine the radiation dose to individuals for whom film badge data are not available, alternative approaches are used as circumstances warrant. All approaches require investigation of individual or group activities and their relationship to the radiological environment. First, if it is apparent that personnel were not present in the radiological environment and had no other potential for exposure, then their dose is zero. Second, if some members of a group had film badge readings and others did not—and if all members had a common relationship with the radiological enviroment—then doses for unbadged personnel can be calculated. Third, where sufficient badge readings or a common relationship to the radiological environment does not exist, dose reconstruction is performed. This involves correlating a unit's or individual's detailed activities with the quantitively determined radiological environment. The three approaches are described as follows:

(1) Activities of an individual or his unit are researched for the period of participation in an atmospheric nuclear test. Unit locations and movements are related to areas of radiation. If personnel were far distant from the nuclear detonation(s), did not experience fallout or enter a fallout area, and did not come in contact with radioactive samples or contaminated objects, they were judged to have received no dose.

(2) Film badge data from badged personnel may be used to estimate individual doses for unbadged personnel. First, a group of participants must be identified that have certain common characteristics and a similar potential for exposure to radiation. Such characteristics are: Individuals must be doing the same kind of work, referred to as activity, and all members of the group must have a common relationship to the radiological environment in terms of time, location or other factors. Identification of these groups is based upon research of historical records, technical reports or correspondence. A military unit may consist of several groups or several units may comprise a single group. Using proven statistical methods, the badge data for each group is examined to determine if it adequately reflects the entire group, is valid for use in statistical calculations, or if the badge data indicate the group should be sub-divided into smaller groups. For a group that mets the tests described above, the mean dose, variance and confidence limits are determined. An estimated dose equal to 95% probability that the actual exposure did not exceed the estimate is assigned to unbadged personnel. This procedure is statistically sound and will insure that unbadged personnel are assigned doses much higher than the average/mean for the group.

(3) Dose reconstruction is performed if film badge data are unavailable for all or part of the period or radiation exposure, if film badge data are partially available but cannot be used statistically for calculations, special activities are indicated for specific individuals, or if other types of radiation exposures are indicated. In dose reconstruction, the conditions of exposure are reconstructed analytically to arrive at a radiation dose. Such reconstruction is not a new concept; it is standard scientific practice used by health physicists when the circumstances of a radiation exposure require investigation. The underlying method is in each case the same. The radiation environment is characterized in time and space, as are the activities and geometrical position of the individual. Thus, the rate at which radiation is accrued is determined throughout the time of exposure, from which the total dose is integrated. An uncertainty analysis of the reconstruction provides a calculated mean dose with confidence limits. The specific method used in a dose reconstruction depends on what type of data are available to provide the required characterizations as well as the nature of the radiation environment. The radiation environment is not limited to the gamma radiation that would have been measured by a film badge, but also includes neutron radiation for personnel sufficiently close to a nuclear detonation, as well as beta and alpha radiation (internally) for personnel whose activities indicate the possibility of inhalation or ingestion of radioactive particles.

§ 218.2 General procedures.

The following procedures govern the approach taken in dose determination:

(a) Use individual film badge data where available and complete, for determining the external gamma dose.

(b) Identify group activities and locations for period(s) of possible exposure.

(c) Qualitatively assess the radiation environment in order to delineate contaminated areas. If no activities occurred in these areas, and if no other potential for exposure exists, a no dose received estimate is made.

(d) If partial film badge data are available, define group(s) of personnel with common activities and relationships to radiation environment.

(e) Using standard statistical methods, verify from the distribution of film badge readings whether the badged sample adequately represents the intended group.

(f) Calculate the mean external gamma dose, with variance and confidence limits, for each unbadged

population. Assign a dose equal to 95% probability that actual exposure did not exceed the assigned dose.

(g) If badge data is not available for a statistical calculation, conduct a dose reconstruction.

(h) For dose reconstruction, define radiation environment through use of all available scientific data, e.g., measurements of radiation intensity, decay, radioisotopic composition.

(i) Quantitatively relate activities shielding, position, and other factors to radiation environment as a function of time. Integrate dose throughout period of exposure.

(j) Where possible, calculate mean dose with confidence limits; otherwise calculate best estimate dose or, if data are too sparse, upper limit dose.

(k) Compare calculations with available film badge records to verify the calculated doses. Whether or not film badge data is available, calculate initial and internal doses where identified as a meaningful contribution to the total dose.

§ 218.3 Dose reconstruction methodology.

(a) *Concept.* The specific methodology consists of the characterization of the radiation environments to which participants through all relevant activities, were exposed. The environments, both initial and residual radiation are corrected with the activities of participants to determine accrued doses due to initial radiation, residual radiation and/or inhaled/ingested radioactive material, as warranted by the radiation environment and the specific personnel activities. Due to the range of activities, times, geometries, shielding, and weapon characteristics, as well as the normal spread in the available data pertaining to the radiation environment, an uncertainty analysis is performed. This analysis quantifies the uncertainties due to time/space variations, group size, and available data. Due to the large amounts of data, an automated (computer-assisted) procedure is often used to facilitate the data-handling and the dose integration, and to investigate the sensitivity to variations in the parameters used. The results of the gamma data calculations are then compared with film badge data as they apply to the specific period of the film badges and to the comparable activities of the exposed personnel, in order to validate the procedure and to identify personnel activities that could have led to atypical doses. Radiation dose from neutrons and dose commitments due to inhaled or ingested radioactive material are not detected by film badges. Where required, these values are calculated and recorded separately.

(b) *Characterization of the radiological environment.* (1) This step describes and defines the radiological conditions as a function of time for all locations of concern, that is, where personnel were positioned or where personnel activities took place. The radiation environment is divided into two standard categories—initial radiation and residual radiation.

(2) The initial radiation environment results from several types of gamma and neutron emissions. Prompt neutron and gamma radiation are emitted at the time of detonation, while delayed neutrons and fission-product gamma, from the decay of radioactive products in the fireball, continue to be emitted as the fireball rises. In contrast to these essentially point sources of radiation, there is gamma radiation from neutron interactions with air and soil, generated within a fraction of a second. Because of the complexity of these radiation sources and their varied interaction properties with air and soil, it is necessary to obtain solutions of the Boltzmann radiation transport equation. The radiation environment thus derived includes the effects of shot-specific parameters such as weapon type and yield, neutron and gamma output, source and target geometry, and atmospheric conditions. The calculated neutron and gamma radiation environments are checked for consistency with existing measured data as available. In those few cases displaying significant discrepancies that cannot be resolved, an environment based on extrapolation of the data is used if it leads to a larger calculated dose.

(3) In determining the residual radiation environment, all possible sources are considered including radioactive clouds, radiation that may have been encountered from other tests, and radioactive debris that may have been deposited in water during oceanic tests. The residual radiation environment is divided into two general components—neutron-activated material that subsequently emits, over a period of time, beta and gamma radiation; and radioactive debris from the fission reaction or from unfissioned materials that emit alpha, beta, and gamma radiation. Because residual radiation decays, the characterization of the residual environment is defined by the radiation intensity as a function of type and time. Radiological survey data are used to determine specific intensities at times of personnel exposure. Interpolation and extrapolation are based on known decay characteristics of the individual materials that comprise the residual contamination. In those rare cases where insufficient radiation data exist to adequately define the residual environment, source data are obtained from the appropriate weapon design laboratory and applied in standard radiation transport codes to determine the initial radiation at specific distances from the burst. This radiation, together with material composition and characteristics, leads to description of the neutron-activated field for each location and time of interest. In all cases observed data, as obtained at the time of the operation, are used to calibrate the calculations.

(c) *Activities of participants.* This step uses all official records, augmented by personnel interviews where gaps exist, to depict a scenario of activities for each individual or definable group. When a dose reconstruction is performed for a specific individual, information available from the individual is accepted unless demonstrably inaccurate. For military units, whose operations were closely controlled and further constrained by radiological safety monitors, the scenario is usually well defined. The same is true for observers, who were restricted to specific locations both during and after the nuclear burst. Ships' locations and activities are usually known with a high degree of precision from deck logs. Aircraft tracks and altitudes are also usually well defined. Personnel engaged in scientific experiments often kept logs of their activities; moreover, the locations of their experiments are usually a matter of record. Where the records are insufficiently complete for the degree of precision required to determine radiation exposure, participants' comments are used and reasonable judgements are made to further the analysis. Possible variations in the activities, as well as possible individual deviations from group activities, with respect to both time and location, are considered in the uncertainty analysis of the radiation dose calculations.

(d) *Calculation of dose.* (1) The initial radiation doses to close-in personnel (who were normally positioned in trenches at the time of detonation) are calculated from the above-ground environment by simulating the radiation transport into the trenches. Various calculational approaches, standard in health physics, are employed to relate in-trench to above-trench doses for each source of radiation. Detailed modeling of the human body, in appropriate postures in the trench, is performed to calculate the gamma dose that would have been

recorded on a film badge and the maximum neutron dose. The neutron, neutron-generated gamma, and prompt gamma doses are accrued during such a short time interval that the posture in a trench could not be altered significantly during this exposure. The fission-product gamma dose, however, is delivered over a period of many seconds. Therefore, the possibility of individual reorientation (e.g., standing up) in the trench is considered.

(2) The calculation of the dose from residual radiation follows from the characterized radiation environment and personnel activities. Because radiation intensities are calculated for a field (i.e., in two spatial dimensions) and in time, the radiation intensity is determinable for each increment of personnel activity regardless of direction or at what time. The dose from exposure to a radiation field is obtained by summing the contribution (product of intensity and time) to dose at each step. The dose calculated from the radiation field does not reflect the shielding of the film badge afforded by the human body. This shielding has been determined for pertinent body positions by the solution of radiation transport equations as applied to a radiation field. Conversion factors are used to arrive at a calculated film badge dose, which not only facilitates comparison with film badge data, but serves as a substitute for an unavailable film badge reading.

(3) The calculation of the dose from inhaled or ingested radioactivity primarily involves the determination of what radiosotopes entered the body in what quantity. Published conversion factors are then applied to these data to arrive at the radiation dose and future dose commitments to internal organs. Inhalation or ingestion of radioactive material is calculated from the radioactive environment and the processes of making these materials inhalable or ingestible. Activities and processes that cause material to become airborne (such as wind, decontamination or traffic) are used with empirical data on particle lofting to determine airborne concentrations under specific circumstances. Volumetric breathing rates and durations of exposure are used to calculate the total material intake. Data on time-dependent weapon debris isotopic composition and the above-mentioned conversion factors are used to calculate the dose commitment to the body and to specific body organs.

(e) *Uncertainty analysis.* Because of the uncertainties associated with the radiological data or calculations used in the absence of data, as well as the uncertainties with respect to personnel activities, confidence limits are determined where possible for group dose calculations. The uncertainty analysis quantifies the errors in available data or in the model used in the absence of data. Confidence limits are based on the uncertainty of all relevant input parameters, and thus vary with the quality of the input data. They also consider the possible range of doses due to the size of the exposure group being examined. Typical sources of error include orientation of the weapons, specific weapon yields, instrument error, fallout intensity data, time(s) at which data were obtained, fallout decay rate, route of personnel movements, and arrival/stay times for specific activities.

(f) *Comparison with film badge records.* (1) Calculations of gamma dose were compared with film badge records for two military units at Operation PLUMBBOB to initially validate this methodology. Where all parameters relating to radiation exposure were identified, direct comparison of gamma dose calculations with actual film badge readings was possible. Resultant correlations provided high confidence in the methodology.

(2) Film badge data may, in some cases, be unrepresentative of the total exposure of a given individual or group; nevertheless, they are extremely useful for direct comparison of incremental doses for specific periods, e.g., validating the calculations for the remaining, unbadged period of exposure. Moreover, a wide distribution of film badge data often leads to more definitive personnel grouping for dose calculations and to further investigation of the reason(s) for such distribution. In all cases, personnel film badge data are not used in the dose calculations, but rather are used solely for comparison with and validation of the calculations. For dose reconstructions accomplished to date, comparison has been favorable and within the confidence limits of the calculations.

§ 218.4 Dose estimate reporting standards.

The following minimum standards for reporting dose estimates shall be uniformly applied by the Military Services when preparing information in response to an inquiry by the Veterans Administration, in connection with a claim for compensation, or by a veteran or his or her representative. The information shall include all material aspects of the radiation environment to which the veteran was exposed and shall include inhaled, ingested, and neutron doses, when applicable. In determining the veteran's dose, initial neutron, initial gamma, residual gamma, and internal (inhaled and ingested) alpha, beta, and gamma shall be considered. However, doses will be reported as gamma dose, neutron dose, and internal dose. To the extent to which the information is available, the responses will address the following questions:

(a) Can it be documented that the veteran was a test participant? If so, what tests did he attend and what were the specifics of these tests (date, time, yield (unless classified) type, location and other relevant details)?

(b) What unit was the man in? What were the mission and activities of the units at the test?

(c) To the extent to which the available records indicate, what were his duties at the test?

(d) Can you corroborate the specific information relevant to the potential exposure provided by the claimant to the Veterans Administration and forwarded to the Department of Defense? What is the impact of these specific activities on the claimant's reconstructed dose?

(e) Is there any recorded radiation exposure for the individual? Does this recorded exposure cover the full period of test participation? What are the uncertainties associated with the recorded film badge dose?

(f) If recorded dosimetry data is unavailable or incomplete, what is the dose reconstruction for the most probable dose, with error limits, if available?

(g) Is there evidence of a neutron or internal exposure? What is the reconstruction?

Upon, request, the participant or his or her authorized representative will be informed of the specific methodologies and assumptions employed in estimating his or her dose.

References

1. Headquarters, Camp Desert Rock, "Final Report, Exercise Desert Rock V," Las Vegas, Nevada, 16 July 1953.

2. Headquarters, Exercise Desert Rock VI, "Exercise Desert Rock VI, Final Report of Operations," Las Vegas, Nevada, 23 May 1985.

3. National Council on Radiation Protection and Measurements, "Basic Radiation Protection Criteria," NCRP Report No. 39, 15 January 1971.

4. National Council on Radiation Protection and Measurement, "Instrumentation and Monitoring Methods for Radiation Protection," NCRP Report No. 57, 1 May 1978.

5. Science Applications, Inc., "Analysis of Radiation Exposure for Task Force WARRIOR, Shot SMOKY, Exercise Desert

Rock VII–VIII, Operation PLUMBBOB," DNA 4747F, Defense Nuclear Agency, 31 May 1979.

6. Science Applications, Inc., "Analysis of Radiation Exposure for Task Force BIG BANG, Shot GALILEO, Exercise Desert Rock VII–VIII, Operation PLUMBBOB, " DNA 4772F, Defense Nuclear Agency 9, April 1980.

7. Science Applications Inc., "Analysis of Radiation Exposure for Troop Observers, Exercise Desert Rock VI, Operation Teapot," DNA 5354F, Defense Nuclear Agency, 15 July 1980.

8. S. Glasstone and P.J. Dolan, The Effects of Nuclear Weapons, U.S. Department of Defense and U.S. Department of Energy, 1977.

9. K. Huang, Statistical Mechanics, John Wiley & Sons, Inc., New York, 1963.

10. Oak Ridge National Laboratory, "The DOT III Two Dimensional Discrete Ordinates Transport Code," ORNL–TM–4280, September 1973.

11. Union Carbide Corporation, "A User's Manual for ANISN, A One-Dimensional Discrete Ordinates Transport Code with Anisotropic Scattering," 1967.

12. Science Applications, Inc., "Version 4 of ATR [Air Transport of Radiation]," DNA 3995, Defense Nuclear Agency, January 1976.

13. Science Applications, Inc., "Analysis of Radiation Exposure, 4th Marine Corps Provisional Atomic Exercise Brigade, Exercise Desert Rock VII, Operation PLUMBBOB, "DNA 5774F, Defense Nuclear Agency, 15 June 1981.

14. Oak Ridge National Laboratory, "The MORSE Monte Carlo Radiation Transport Code System," ORNL–4972, February 1975.

15. National Council on Radiation Protection and Measurements, "Protection Against Neutron Radiation," NCRP Report No. 38, 4 January 1971.

16. Science Applications, Inc., "Analysis of Radiation Exposure for Troop Observers, Exercise Desert Rock V, Operation Upshot-Knothole," DNA 5742F, Defense Nuclear Agency, 28 April 1981.

17. Battelle Pacific Northwest Laboratories, "Age-Specific Radiation Dose Commitment Factors for a One-Year Chronic Intake,". NUREG–0172, U.S. Nuclear Regulatory Commission, November 1977.

18. Oak Ridge National Laboratories, "Estimates of Internal Dose Equivalent to 22 Target Organs for Radio-nuclides Occurring in Routine Releases from Nuclear Fuel-Cycle Facilities," ORNL/NUREG/TM–190, U.S. Nuclear Regulatory Commission, June 1978.

19. K. Steward, "The Resuspension of Particulate Matter from Surfaces," pp. 63–74 of Proceedings of a Symposium on Surface Contamination, (B.R. Fish, editor), Pergamon Press, New York June 1964.

20. L.R. Anspaugh, et al., "Resuspension and Redistribution of Plutonium in Soils," Health Physics, Vol. 29, pp 571–582, October 1975.

21. Oak Ridge National Laboratory, "ORIGEN Isotope Generation and Depletion Code—Matrix Exponential Method," CC–217, June 1977.

22. Science Applications, Inc., "Fallout Inventory and Inhalation Dose to Organs (FIIDOS)," 1981.

[FR Doc. 85–25035 Filed 10–18–85; 8:45 am]

BILLING CODF 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 85-98]

Marine Event; La Paz Regatta

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the La Paz Regatta. This event will be held on 23 November 1985 at Parker, Arizona. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 23 November 1985 and terminate on 23 November 1985.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822, Tel: (213) 590–2331.

SUPPLEMENTARY INFORMATION: This final rule was not preceded by a notice of proposed rulemaking and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received until 1 October 1985, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date. This rule will benefit the public by providing regulations which would protect life and property on navigable waters during this event. Therefore, the Coast Guard has determined that good cause exists to make this rule effective in less than 30 days after publication in the **Federal Register** in accord with 5 U.S.C. 553(d)(3).

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 85–98) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District, and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The Southern California Outboard Association's "La Paz Regatta" will be conducted on 23 November 1985 at Parker, Arizona. This event will have approximately 30 stock outboard boats, 9 to 12 feet in length that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. 33 CFR Part 100 is amended by adding a temporary § 100.35 11–85–98 to read as follows:

§ 100.35 11–85–98–La Paz Regatta, Parker, Arizona.

(a) *Regulated Area:* The following area will be closed intermittently to all vessel traffic: That ½ mile portion of the Colorado River at Lake Moovalya, Arizona between the Roadrunner Resort and the La Paz County Park.

(b) *Effective Dates:* These regulations will be effective from 8:00 am to 1:00 pm on 23 November 1985 and terminate on 23 November 1985.

(c) *Special Local Regulations:* All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in citation for failure to comply.

(3) The Patrol Commander is empowered to forbid and control the

movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156. 8 MHz) when required, by the call sign "PATCOM".

Dated: October 11, 1985.

A.B. Beran,

Commodore, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 85-25001 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD11 85-99]

Marine Event; Parker Mini-Boat Enduro

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Parker Mini-Boat Enduro. This event will be held on 23 through 24 November 1985 at Parker, Arizona. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 23 November 1985 and terminate on 24 November 1985.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: This final rule was not preceded by a notice of proposed rulemaking and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been inpracticable. The application to hold this event was not received until 1 October 1985, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date. This rule will benefit the public by providing regulations which would protect life and property on navigable waters during this event. Therefore, the Coast Guard has determined that good cause exists to make this rule effective in less than 30 days after publication in the **Federal Register** in accord with 5 U.S.C. 553(d)(3).

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 85-99) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District, and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The Parker Area Chamber of Commerce's "Parker Mini-Boat Enduro" will be conducted on 23 through 24 November 1985 at Parker, Arizona. This event will have approximately 150 Miniboats, 12 feet in length that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. 33 CFR Part 100 is amended by adding a temporary § 100.35 11-85-99 to read as follows:

§ 100.35 11-85-99—Parker Mini-Boat Enduro, Parker, Arizona.

(a) *Regulated Area:* The following area will be closed intermittently to all vessel traffic: That portion of Colorado River at Parker, Arizona, from the Roadrunner Resort south for 3½ miles (just above the Lakeside boat ramp).

(b) *Effective Dates:* These regulations will be effective from 2:00 pm to 4:00 pm on 23 and 24 November 1985.

(c) *Special Local Regulations:* All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in citation for failure to comply.

(3) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

Dated: October 11, 1985.

A.B. Beran,

Commodore, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 85-25002 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[A-7-FRL-2912-9]

Approval of Kansas' NPDES Program To Regulate Federal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the State of Kansas' request for authority to administer the National Pollutant Discharge Elimination System (NPDES) program with respect to Federal facilities.

SUMMARY: On August 28, 1985, the Environmental Protection Agency (EPA) approved the State of Kansas' request to include regulation of Federal facilities under its State water pollution permit program responsibility. Previously, the State had been approved to administer the NPDES program for facilities other than Federal facilities. This action was public noticed on June 13, 1985, 50 FR 24784.

FOR FURTHER INFORMATION CONTACT: Ralph Summers, Water Division, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 236-2817.

SUPPLEMENTARY INFORMATION: In 1977, Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251, et. seq.) to authorize States to regulate Federally owned or operated facilities under their water pollution control

programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the NPDES program, were precluded from regulating Federal facilities. Therefore, EPA, in approving State programs under section 402(b), reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's **Federal Register** notice is to announce the approval of the State of Kansas' request to assume NPDES authority over Federal facilities.

In support of its application to assume NPDES authority over Federal facilities, the State of Kansas has submitted to EPA copies of the relevant statutes and regulations. The State has also submitted a statement by the Attorney General certifying, with appropriate citations to the statutes and regulations, that the State has adequate legal authority to regulate Federal facilities consistent with the approved program administration for other facilities within the State. EPA has concluded, upon reviewing all of these submitted materials, that the State has adequate authority to apply its approved State NPDES program to Federal facilities.

Federal Register Notice of Approval of State NPDES Programs or Modifications

EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country. Review under the Regulatory Flexibility Act and Executive Order 12291.

	APPROVED STATE NPDES PERMIT PROGRAM	APPROVED TO REGULATE FEDERAL FACILITIES	APPROVED STATE PRETREATMENT PROGRAM
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	--
*Colorado	03/27/75	--	--
Connecticut	09/26/73	--	06/03/81
Delaware	04/01/74	--	--
Georgia	06/28/74	12/09/78	03/12/81
Hawaii	11/28/74	06/01/79	08/12/83
*Illinois	10/23/77	09/20/79	--
Indiana	01/01/75	12/09/78	--
Iowa	08/10/78	08/10/78	06/03/81
Kansas	06/28/74	08/28/85	--
*Kentucky	09/30/83	09/30/83	09/30/83
Maryland	09/05/74	--	--
Michigan	10/17/73	12/09/78	06/07/83
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74	01/28/83	05/13/82
Missouri	10/30/74	06/26/79	06/03/81
*Montana	06/10/74	06/23/81	--
Nebraska	06/12/74	11/02/79	09/07/84
Nevada	09/19/75	08/31/78	--
*New Jersey	04/13/82	04/13/82	04/13/83
New York	10/28/75	06/13/80	--
North Carolina	10/19/75	09/28/84	06/14/82
North Dakota	06/13/75	--	--
Ohio	03/11/74	01/28/83	07/27/83
*Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	--
*Rhode Island	09/17/84	09/17/84	09/17/84
South Carolina	06/10/75	09/26/80	04/09/82
Tennessee	12/28/77	--	08/10/83
Vermont	03/11/74	--	03/16/82
Virgin Islands	06/30/74	--	--
Virginia	03/31/75	02/09/82	--
Washington	11/14/73	--	--
*West Virginia	05/10/82	05/10/82	05/10/82
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	05/18/81	--

*State approved to issue general permits.

Under the Regulatory Flexibility Act, 5 U.S.C. section 601 *et. seq.* EPA is required to prepare a Regulatory Analysis for all rules which may have a significant impact on a substantial number of small entities. The approval of the Kansas NPDES permit program to administer Federal facilities merely transfers responsibility for administration of these facilities from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not have a significant impact on a substantial number of small entities. It, therefore, does not trigger the requirement of a Regulatory Flexibility Analysis.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Dated: August 28, 1985.

Morris Kay,

Regional Administrator, Region VII.

[FR Doc. 85-24896 Filed 10-18-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-706; RM-2959; FCC 85-545]

Frequency Assignments for the International Broadcast Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the standards applicable to the operation of international broadcast stations located in Region 3 in the 7100–7300 kHz frequency band. This action will better protect the Amateur Radio Service in Region 2 without reducing the potential of this band to help reduce frequency congestion for international broadcast stations.

EFFECTIVE DATE: November 21, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Charles H. Breig, Mass Media Bureau, (202) 254-3394.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order (Proceeding Terminated)

In the matter of Amendment of § 73.702(f) Regarding Frequency Assignments for the International Broadcast Service; MM Docket No. 84-706, RM-2959, FCC-85-545.

Adopted: October 9, 1985.
Released: October 15, 1985.

By the Commission.

Introduction

1. The Commission has before it a petition for reconsideration of the *Report and Order*, in this proceeding, [50 FR 15146, published April 17, 1985], filed by the American Radio Relay League, Incorporated (the "League") and responsive pleadings filed by Far East Broadcasting Company, Incorporated ("Far East") and Trans World Radio Pacific ("Trans World").

2. The *Report and Order* provided for the use of the 7100–7300 kHz band by FCC licensed international broadcast stations in Region 3 (the Asia/Pacific area).[1] This action was designed to ease frequency congestion in the bands used for international broadcasting. It offers Region 3 stations additional frequency choices and the use of these frequencies by Region 3 stations could ease congestion on the frequencies used by stations in Region 2 (the Western Hemisphere). At the same time, the Commission was concerned about the potential for interference to the Amateur Radio Service in Region 2. This led the Commission to adopt two restrictions in the rule intended to provide protection to amateur radio operations in Region 2.

3. The first precludes Commission licensed international broadcast stations in Region 3 from directing their transmissions to zones or areas of reception in Region 2. The second was intended to minimize interference to Region 2 amateur radio operations during nighttime hours, the period during which the potential for interference is greatest. Thus, during specified hours, radiation must be reduced on pertinent azimuths. High gain antennas need a 12 dB reduction below the maximum radiation in the major lobe of the antenna and lower gain antennas require a 6 dB reduction.

4. The League, in its petition for reconsideration, argues that these restrictions are not sufficient to provide appropriate interference protection. It asserts that even with the 12 dB or 6 dB reduction called for by the rule, substantial radiation still could be produced in the direction of amateur licensees in Region 2. Therefore, it asks the Commission to limit the radiation to the equivalent of that from a half-wave dipole at the same average antenna height, which in no event should exceed the level of 10 dB below the radiation in the maximum lobe. It argues that such a limitation would better accomplish the protection intended by the Commission and would put international stations on notice regarding their obligation to minimize interference to the amateur service without imposing new burdens upon them. In their oppositions to the petition, Far East and Trans World argue that the League has failed to provide engineering support as to how its proposal would better protect amateurs. However they do not dispute the fact that international broadcast operations in this band have the potential for causing interference to the Amateur Radio Service in Region 2.

5. Upon reconsideration, we concur that additional protection can and should be afforded the Amateur Radio Service in Region 2 and that it can be done without placing undue burden on FCC licensed international broadcast stations. The League is correct that in certain circumstances the current rule could lead to high signal levels in Region 2, and thus we find merit in the League's proposal to employ a half-wave dipole as a standard reference. Although radiation from the rear and other side lobes (except for the first side lobes) of typical broadcasting antennas will normally be less than that produced by a half-wave dipole antenna, radiation from the first side lobes can be substantial. Because this is not dealt with sufficiently under the current rule, a further restriction on radiation toward Region 2 is required. Therefore, we are modifying the second sentence in the footnote to § 73.702(f) by substituting language which bases protection to Region 2 upon the maximum antenna

[1] The Commission is responsible for station licensing in some of the Pacific insular areas of Region 3—see § 2.105 of the Commission's Rules.

gain permitted toward Region 2. The maximum gain toward Region 2 to be permitted is 2.15 dBi which is the equivalent gain of a half-wave dipole antenna in free space over an isotropic antenna. This is appropriate since an isotropic antenna is the reference antenna generally used for depicting the radiation patterns for international broadcast antennas. Also, a special provision is made for transmitter powers less than 100 kW. This provision permits stations using less than 100 kW transmitter power to increase gain toward Region 2 by an equivalent amount. To insure that international broadcast stations meet this standard, an additional provision is being added to the footnote in question to require the submission of sufficient antenna information to show compliance with the restriction.

6. Finally, a question was raised in the pleadings about the adequacy of the current rule in defining what was meant by orientation toward Region 2. The rule referred to any easterly direction toward Region 2, but the League thought it better to refer to radiation in any easterly direction or in any azimuth that would directly intersect any area in Region 2. However, the League's suggestion would have the effect or precluding radiation on azimuths from 0° to 180°. We do not agree that such a restriction is necessary and will maintain the language originally adopted which refers to azimuths in any easterly direction that intersect any area in Region 2.[2]

7. Accordingly, it is ordered, that the Petition for Reconsideration is granted to the extent specified above and is denied in all other respects and that § 73.702(f) of the Commission's Rules is amended, as set forth in the attached appendix, effective November 21, 1985.

8. Authority for this action is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. It is further ordered, that this proceeding is terminated.

[2] Finally, we note that the opponents understood the League to have sought a 24 hour restriction on radiation in place of the 8 hour limitation specified by the Commission. However, reference to the League filings show that concern relates to the amount of radiation to be permitted, not the extension of this provision to cover the entire 24-hour period.

10. For further information concerning this proceeding Contact Charles H. Breig, Mass Media Bureau, (202) 254-3394.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

1. The Authority for Part 73 continues to read as follows:

Authority: Sec. 4, 303, 48 Stat. 1066 as amended, 1082 as amended, 47 U.S.C. 154, 303.

2. 47 CFR Part 73 is amended by revising footnote 1 to § 73.702(f) to read as follows:

§ 73.702 Assignment and use of frequencies.

* * * * *

(f) * * *

[1] Assignments in this frequency band will be limited to international broadcast stations located in the area designated as Region 3 by No. 395 of the International Radio Regulations and authorized only to transmit to zones and areas of reception situated outside Region 2 as defined in No. 394 of the International Radio Regulations. In addition, during the hours of 0800-1600 UTC (Coordinated Universal Time) antenna gain with reference to an isotropic radiator in any easterly direction that would intersect any area in Region 2 shall not exceed 2.15 dBi, except in the case where a transmitter power of less than 100 kW is used. In this case, antenna gain on restricted azimuths shall not exceed that which is determined in accordance with equation (1) below. Stations desiring to operate in this band must submit sufficient antenna performance information to ensure compliance with these restrictions.

Permitted Gain for transmitter powers less than 100 kW:

$$Gi = 2.15 + 10 \log \left(\frac{100}{Pa} \right) dBi \qquad (1)$$

Where:

Gi = maximum gain permitted with reference to an isotropic radiator,

Pa = transmitter power employed in kW.

[FR Doc. 85-24966 Filed 10-18-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 50458-5048]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: In this document, the Secretary of Commerce (Secretary) clarifies the limitations which will guide decisions on establishing seasons for the commercial and recreational salmon fisheries off Washington, Oregon, and California. The intended effect of this amendment is to allow limitations on season beginning and ending dates to be lifted once stocks have been rebuilt and long-term escapement goals have been met. The action is taken because this provision of the Framework Amendment to the ocean salmon management plan is not accurately reflected in its implementing regulations.

EFFECTIVE DATE: October 18, 1985.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, Director, Northwest Region, NMFS, 206-526-6150; or E.C. Fullerton, Director, Southwest Region, NMFS, 213-548-2575.

SUPPLEMENTARY INFORMATION: Regulations to implement the Framework Amendment for Managing the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California commencing in 1985 (Framework Amendment), which established provisions for preseason and inseason adjustments to certain annual management measures, were published on October 31, 1984 (49 FR 43679) and codified at 50 CFR Part 661. Limitations and criteria upon which seasons will be based are included in "Appendix II. Annual Changes to Management Specifications." Specific limitations on season beginning and ending dates are listed below:

(3) *Commercial seasons.*

(i) No commercial fishery will open prior to May 1.

(ii) No commercial coho fishery north

of the Oregon-California border will open prior to July 1.

(iii) No commercial chinook or coho fishery will extend after October 31.

* * * * *

(d) *Recreational seasons.*

(i) No recreational fishery north of the Oregon-California border will open prior to May 1.

(ii) No recreational fishery for chinook or coho off California will open before the Saturday closest to February 15 nor extend after the Sunday closest to November 15.

* * * * *

The regulations do not indicate that the limitations on commercial and recreational season beginning and ending dates may be lifted once stocks have been substantially rebuilt and the long-term escapement goals have been met.

During its September 1985 meeting, the Council reaffirmed its intent that this provision be included in the implementing regulations. The provision is clearly stated in Section 3.8.5.2 of the Framework Amendment. Therefore, the regulations are amended to reflect the intent of the Framework Amendment.

The public had an opportunity to comment on this provision at public hearings during the November and December 1983 meetings to the Pacific Fishery Management Council (Council) and during the comment period on the proposed Framework Amendment (49 FR 32414, August 14, 1984). The Council approved the Framework Amendment, including this provision, for submission to the Secretary at its January 11–12, 1984, meeting in Portland, Oregon. The Secretary, acting through the Director, Northwest Region, NMFS (Regional Director), approved the Framework Amendment on October 11, 1984.

Classification

The Regional Director has determined that this action is necessary for the conservation and management of the salmon fisheries off Washington, Oregon, and California and that it is consistent with the Framework Amendment, the Magnuson Fishery Conservation and Management Act, and other applicable law.

The Council prepared a supplemental environmental impact statement (SEIS) for the Framework Amendment; a notice of availability was published on September 28, 1984 (49 FR 38355). There will be no change in environmental impact from that determined in the SEIS as a result of this technical amendment.

A regulatory impact review and regulatory flexibility analysis also were prepared as a part of the Framework Amendment, which describes the estimated ranges of impacts and effects on small businesses from implementation of the amendment and the regulations. There will be no change in impacts from those previously determined as a result of this action.

Because this is a technical amendment to a final rule, it is not considered a rulemaking requiring review under Executive Order 12291.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The Council determined that the Framework Amendment will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of the States of Washington, Oregon, and California. There will be no change from that consistency determination as a result of this technical amendment.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Dated: October 16, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 661 and its Appendix are amended as follows:

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

1. The authority citation for Part 661 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In the Appendix section II.B.7, paragraph (a) is revised to read as follows:

Appendix

* * * * *

II. Annual Changes to Management Specifications

* * * * *

B. Procedures for Establishing and Adjusting Annual Management Measures

* * * * *

7. Seasons.

(a) *In general.* Seasons for commercial, recreational, and treaty Indian fishing will be established or modified taking into account allowable ocean harvest levels (and quotas), allocations between the commercial and recreational fisheries, and the estimated amount of effort required to catch the available fish based on past seasons. The limitations on recreational and commercial season beginning and ending dates listed below may be removed once stocks have been substantially rebuilt and long-term escapement goals have been met.

* * * * *

[FR Doc. 85-24996 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 203
Monday, October 21, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

Cost-of-Living Allowance and Post Differential; Nonforeign Areas

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: As a result of a decision by the U.S. Court of Appeals for the Federal Circuit in *Alaniz* v. *Office of Personnel Management*, OPM is proposing revised regulations to present a detailed statement of how cost-of-living allowance rates are determined.

Future rate changes using this method will be published in the **Federal Register** in accordance with the notice and comment provisions of the Administrative Procedure Act (APA).

In addition, the proposed regulations revise the material covering the post differential for clarity and to bring the terminology into conformance with current usage. The rates in the current 5 CFR Part 591, Appendix B, are being removed and will be announced as a public notice in the **Federal Register** concurrently with the publication of the final regulations.

DATES: Comments must be received on or before December 20, 1985.

ADDRESS: Persons wishing to submit written comments may send them to U.S. Office of Personnel Management, Compensation Group, Allowances and Special Rates Division, Room 3353, 1900 E Street, N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Barry E. Shapiro, (202) 632-7471.

SUPPLEMENTARY INFORMATION:

Law and Executive Order

Section 5941 of title 5, United States Code, authorizes the President to establish allowances payable to certain Federal employees outside the continental United States or in Alaska based on—

—Living costs that are substantially higher than those in the Washington, D.C. area; or

—Conditions of environment that differ substantially from conditions in the continental United States and warrant an allowance as a recruitment or retention incentive; or

—Both of these factors.

The nonforeign area cost-of-living allowance is based on living costs substantially higher than those in the Washington, D.C. area, and is payable to employees stationed outside of the continental United States or in Alaska.

The post differential is based on conditions of environment which differ substantially from conditions in the continental United States and which warrant a differential as a recruitment or retention incentive.

The President is further authorized to prescribe regulations under which these allowances and differentials may be paid. The allowance or differential, or the combination of the two, may not exceed 25 percent of the annual rate of basic pay.

Part II of Executive Order 10,000, as amended, authorizes the Office of Personnel Management to exercise the authority conferred upon the President by the provisions of section 5941 of title 5, United States Code.

Regulations

A decision of the U.S. Court of Appeals for the Federal Circuit in the class action suit *Alaniz* v. *Office of Personnel Management* ruled that Anchorage, Alaska, nonforeign area cost-of-living allowance rate changes by the Office of Personnel Management (OPM) since January 10, 1979, were void because OPM did not follow the public notice and comment provisions of the Administrative Procedure Act in changing allowance rates after January 10, 1979. January 11, 1979, was the effective date of the Civil Service Reform Act, which requires OPM to follow APA provisions in its rule making functions. The court ordered backpay for employees in Anchorage for periods in which allowance rates were lower than those in effect on January 10, 1979.

We are proposing to revise our regulations in 5 CFR Part 591, Subpart B, to clarify certain provisions and to provide the basis for the future publication of allowance and differential rates in accordance with the public notice and comment provisions of the Administrative Procedure Act. Following is a section-by-section description of the changes made in this revision.

In § 591.201, "Definitions," the definitions for "allowance area," "nonforeign area," and "Washington, D.C., area" are added; the ones for "day of arrival" and "day of departure" have been removed. In § 591.202, "Areas covered," the list of geographic areas covered is incorporated from former Appendix A and is amended to bring the location names into conformance with current practice.

We have not amended § 591.203, "Agencies and employees covered." In § 591.204, "Establishment of allowance areas," we now incorporate the criteria for establishing allowance areas and for requesting changes. The list of areas authorized for the allowance is included from former Appendix A and is amended to bring the definitions up to date.

In proposed § 591.205, "Comparative index," the procedures for preparing the comparative indexes for the allowance areas are covered. A detailed analysis of these procedures is presented below. The material from former § 591.205, "Establishing rates," is now found in § 591.206, "Establishment of allowance rates." Included in this section is the connection between the results of the index calculation and the setting of the allowance rate for an area. In accordance with the requirement of the law and Executive order that an allowance be paid where living costs are *substantially* higher than in the Washington, D.C., area, no allowance is authorized unless the area's comparative index is at least 105.0.

Former § 591.207 has been divided: The list of places is now in § 591.204, and the rates which were in Appendix A will now be published as a notice in the **Federal Register.** Proposed § 591.207, "Allowance categories, eligibility and adjustments," contains definitions of the two allowance categories used in the allowance program. These definitions were previously found in the FPM letters issued by OPM announcing the allowance rates for an area. Additional material included in this section covers employee eligibility for special purchasing privileges and Federal

quarters, which was covered by former § 591.208. There is a change in the way deductions from allowance rates are made when Federal housing is provided at a cost substantially lower than the prevailing local cost of such housing, as required by Executive Order 10,000. Under former § 591.208, OPM established separate allowance categories and rates for occupants of Federal housing. Under the proposed new § 591.207, the deduction would be made by the employing agency, on an employee-by-employee basis, only if and to the extent that the housing unit is provided at a rate below the unit's fair market value, determined under OMB Circular A–45, "Policy Governing Charges for Rental Quarters and Related Facilities."

"The post differential" is now covered in proposed § 591.208. This topic was found previously in §§ 591.209 and 591.212.

"Eligibility for the differential" is now covered in proposed § 591.209.

The regulation on paying the allowance and differential formerly in § 591.211 is now in proposed § 591.210, "Payment of allowances and differentials." It has been revised to clarify the language and simplify presentation of the principles involved.

Old § 591.213, "Periodic review," is renumbered § 591.211. The precise amounts and procedures for gradually reducing allowance or differential rates when they are substantially affected by methodological changes will be determined on a case-by-case basis and will depend on the nature and degree of impact of the methodological change. Any such gradual reductions will be identified when proposed rates are published for comment.

Preparation of Comparative Indexes

The nonforeign area cost-of-living allowance is based on the extent to which living costs in an allowance area exceed living costs in the Washinton, D.C., area. This means that any change in the allowance rate is the result of the relative price changes between the allowance area and the Washington, D.C., area. The rate may increase, decrease, or show no show from one year to the next based on this relationship and will not be the result of economic conditions in the allowance area only. Because the comparative index underlying the rate is based on relative price conditions, the index is not an indicator of year-to-year changes in price levels for an allowance area and connot be used to measure price changes over a span of time.

It should be noted that the Consumer Price Index (CPI) published by the U.S. Bureau of Labor Statistice (BLS) is constructed on a different principle and is not comparable to OPM's indexes. The CPI measures changes in prices over time for the same location, while OPM's comparative indexes measure relative price levels at the same point in time for different locations.

To calculate the difference in price level between an allowance area and the Washington, D.C. area, a set of comparative indexes is used, as described in proposed § 591.205. The indexes are base-area weighted averages of a series of price and cost ratios with the Washington, D.C., area as the base location. The items surveyed in each major category cover a wide range of consumer goods and services and are selected according to the cirteria specified in proposed § 591.205(b)(1):

— The item should be easy to identify and unambiguous.
— The item should be generally available in all allowance areas and the Washington, D.C., area.
— The item should have a common use rather than a common specification.
— Each item should serve as a reasonable price level indicator of other related items in the category.
— The item should exhibit no unusual price behavior.

Prices are collected directly from those retail outlets patronized by Federal employees in each allowance area and in the base area. The procedures for selecting outlets form the living pattern surveys conducted periodically in the allowance areas and in the Washington, D.C., area, and the reasons for the confidential treatment of the information received, are presented in proposed § 591.205(c).

In a 1982 report, "Computation of Cost-of-Living Allowances for Federal Employees in Nonforeign Areas Could Be More Accurate" (FPCD – 82–25), the General Accounting Office recommended that OPM collect sale price data in addition to regular price data and weight the data by the relative proportion of purchases made at the different price levels. We have not incorporated this recommendation into the process described in these proposed regulations for the following reasons:

—It would require increased data collection and reporting burdens; it is not clear that reliable data could be obtained.
—Because allowance rates reflect relative living costs, sale price patterns would have to differ significantly between an allowance area and the Washington, D.C., area to affect an item or category index. With the rounding of the final index to the nearest 2.5 percent (see proposed § 591.206(c)), a measurable impact is unlikely.

The method used to compute the comparative indexes is a series of weighted averages of price ratios. A two-stage method is used to relate the allowance area average prices for survey items to the Washington area average prices. The first stage is to compute item price ratios which are then compiled into a weighted category index. In the second stage, the 12 category indexes are then combined into a weighted total index for the allowance area.

The weights used in combining the various price and cost data into a comparative index are derived, as stated in proposed § 591.205(g)(2), from periodic consumer expenditure surveys conducted by the Bureau of Labor Statistics and are listed in the proposed Appendix. A single list of consumer items surveyed in all areas and a single set of weights representing expenditures in all areas are used instead of pricing location-specific items (e.g., parkas in Alaska or guayaberas in Puerto Rico) or using location-specific expenditure patterns for several reasons:

—Any item selected for inclusion in the survey must be available in both an allowance area and the Washington, D.C., area in order for a price comparison to be made. Items available in only one location cannot be used because there would be no basis for a price comparison. In fact, most consumer items are available in all areas. Location-specific items represent only a small proportion of all items. In some cases, an item more commonly used in an allowance area than in Washington will also be available in Washington—but at a high price because of the relatively low sales volume.
—Surveying items chosen for common use rather than exact specification allows some variation in the item priced between areas and permits regional preferences or needs to be reflected in the index. For example, new automobiles often require special winter lubrication and an engine block heater in Alaska, but not in Washington, D.C.
—Comparison area expenditure patterns have no theoretical advantage over base area patterns in determining relative living costs. In practice, however, the base area pattern is more advantageous. It does not depend on the availability of comparison area expenditure data (and such data are not available for

all allowance areas), and it eliminates the possibility of one area claiming that another area has a "better" or "more advantageous" pattern that produces a higher allowance rate.

The pricing methods for the retail items are presented in § 591.205(c)(2). Also covered is the use of price data form the Department of Defense to prepare the comparative indexes for special purchasing categories. In § 591.205(d), the mathematical procedures used to calculate the indexes are described. The methods are standard weighted average procedures.

Here is an example of how the average prices of several items are combined into a category index. The table is constructed to illustrate the method and does not represent any particular area.

Item name	Washington price	Local price	Ratio and weight		Aggregate
A	$1.22	$1.53	125.4 × 8	=	1003.2
B	3.42	4.51	131.9 × 21	=	2769.9
C	0.29	0.25	86.2 × 30	=	2586.0
D	10.00	11.09	110.9 × 18	=	1996.2
E	22.78	43.81	192.3 × 7	=	1346.1
F	25.00	25.50	102.0 × 16	=	1632.0
Total			100		11333.4

Category index = 11333.4/100 = 113.3

The average price for the allowance area (Local Price) is divided by the Washington, D.C., average price (Wash. Price) for each item to get the item Ratio. Then each Ratio is multiplied by its Weight and the products (Aggregate) are summed. Because the sum of the weights in each category equals 100, the category index is found by dividing the sum of the products by 100. The category index in this example is 113.3.

The second stage of the process is to combine the category indexes for consumer goods and services and housing. The housing cost portion of the comparative index measures the differences in annual recurring costs of housing between each of the allowance areas covered by the program and the Washington, D.C., area. The resulting housing category index is a weighted average of the shelter costs by grade group in the allowance area compared to the corresponding costs incurred by Federal employee who are Washington, D.C., area residents. An annual questionnaire is used to collect housing cost information from Federal employees in each allowance area.

Following is an example of how the 12 category ratios are combined to make the final comparative index. As in the previous example, the numbers have been constructed for this example and do not represent any particular allowance area.

Category name	Category ratio and weight		Aggregate
Meat, Eggs, Fats	125.0 × 4.5		562.50
Groceries	161.7 × 4.5		727.65
Fruits & Vegetables	131.7 × 1.8		237.06
Food Away	143.7 × 6.7		962.79
Personal Care	116.7 × 3.0		350.10
Clothing	123.5 × 8.1		1000.35
Medical Care	93.7 × 5.1		477.87
Recreation	105.2 × 12.6		1325.52
Transportation	97.4 × 19.9		1936.26
Household Operations	140.5 × 11.6		1629.80
Housing Maintenance	109.0 × 1.6		174.40
Housing	116.6 × 20.6		2401.96
Total	100.0		11768.26

Final Index = 117.9

In this second stage of the calculation process, each Category Ratio for the allowance area is multiplied by its Weight and the products (Aggregate) are summed. Because the sum of the weights of the categories is equal to 100, the final index is found by dividing the sum of the products by 100. The final index in this example is 117.9.

Using the final index of 117.9 from the example above and referring to the allowance rate table in proposed § 591.206, the allowance rate for that index value would be 17.5 percent because the 17.5 percent rate index range is 116.3 to 118.7.

Executive Order 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities since it applies only to Federal employees and agencies.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM proposes to revise Subpart B of Part 530 of Title 5, Code of Federal Regulations, to read as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

* * * * *

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

Authority: 5 U.S.C. 5941; E.O. 10,000; 3 CFR, 1943-1948 Comp., p. 792.

§ 591.201 Definitions.

In the subpart:

"Allowance area" means a geographical area for which an allowance has been authorized. There may be more than one allowance area within a nonforeign area. Allowance areas are listed in § 591.204.

"Day" or "calendar day" means any day of the year. Fractional days are considered whole days.

"Nonforeign allowance" or "allowance" means a cost-of-living allowance established by the Office of Personnel Management and payable under section 5941 of title 5, United States Code, at a location in a nonforeign area where living costs are substantially higher than those in the Washington, D.C. area.

"Nonforeign area" means the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, territories and possessions of the United States, and any additional area located outside the contiguous United States that the Secretary of State designates as being within the scope of Part II of Executive Order 10,000, as amended. Nonforeign areas are listed in § 591.202.

"Nonforeign differential" or "differential" means a post differential established by the Office of Personnel Management and payable under section 5941 of title 5, United States Code, at a post in a nonforeign area if conditions of environment differ substantially from conditions of environment in the contiguous United States and warrant its payment as a recruitment incentive.

"Rate of basic pay" means the rate of pay fixed by statute for the position held by an individual before any deductions and exclusive of additional pay of any

kind, such as overtime pay, night differential, extra pay for work on holidays, or allowances and differentials.

"Washington, D.C., area" or "Washington area" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; and the counties of Arlington and Fairfax and the independent cities of Alexandria, Fairfax, and Falls Church in Virginia.

§ 591.202 Area covered.

The following areas are nonforeign areas:

(1) Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich).

(2) American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171 degrees west of Greenwich, together with Swains Island.

(3) Canton and Enderbury Islands.

(4) Commonwealth of Puerto Rico.

(5) Guam.

(6) Hawaii (including Ocean or Kure Island).

(7) Howland, Baker, and Jarvis Islands.

(8) Johnston Island and Sand Island.

(9) Kingman Reef.

(10) Midway Islands.

(11) Navassaa Island.

(12) Palmyra Atoll.

(13) Virgin Islands of the United States.

(14) Wake Island.

(15) Any small guano islands, rocks, or keys that, in pursuance of action taken under the Act of Congress, August 18, 1856, are considered as appertaining to the United States.

(16) Any other islands to which the U.S. Government reserves claim, such as Christmas Island.

§ 591.203 Agencies and employees covered.

This subpart applies to civilian employees whose rates of basic pay are fixed by statute and who are employed by an Executive department, an independent establishment, or a wholly-owned Government corporation.

§ 591.204 Establishment of allowance areas.

(a) OPM designates within nonforeign areas allowance areas where employees are eligible to receive a cost-of-living allowance by virtue of living costs that are substantially higher than those in the Washington, D.C., area. In establishing the limits of allowance areas, OPM considers (1) the existance of a well-defined economic community; (2) the availability of consumer goods and services; (3) the concentration of Federal employees covered by this subpart; and (4) unique circumstances related to a specific location.

(b) The following allowance areas have been established where an allowance is authorized to be paid:

(1) *State of Hawaii.*

(i) Island of Oahu.

(ii) Island of Kauai.

(iii) Island of Maui, Molokai, and Lanai (Maui County).

(iv) Island of Hawaii.

(2) *State of Alaska.*

(i) City of Anchorage and 50-mile radius by road.

(ii) City of Fairbanks and 50-mile radius by road.

(iii) City of Juneau and 50-mile radius by road.

(iv) The rest of the State.

(3) *Commonwealth of Puerto Rico.* The entire Commonwealth.

(4) *The Virgin Islands.*

(i) St Croix.

(ii) St. Thomas and St. John.

(5) *Territory of Guam.* The entire Territory.

(c) The head of a department or agency shall submit requests in writing to OPM for the establishment or revision of allowance areas.

§ 591.205 Comparative index.

(a) *General.* OPM determines the differences in living costs between each allowance area and the Washington, D.C., area by using a comparative index. The index is based on (1) data from surveys conducted by or for OPM in each allowance area and the Washington, D.C., area; and (2) weights based on consumption expenditure patterns for goods and services in the Washington, D.C. area.

(b) *Goods and services surveyed.* The goods and services surveyed and their relative weights are derived from periodic consumer expenditure surveys conducted by the U.S. Bureau of Labor Statistics (BLS). Individual items are grouped into categories according to common functions or uses.

(1) Consumption items are selected for pricing based on the following criteria:

(i) The item should be easy to identify and unambiguous.

(ii) The item should be generally available in all areas.

(iii) The item should have a common use rather than a common specification.

(iv) Each item should serve as a reasonable price level indicator of other related items.

(v) The item should exhibit no unusual price behavior.

(2) Item weights are determined by the percentage distribution of expenditures on those items from the BLS consumption categories. The dollar amounts of household expenditures on items within each category are converted to percentages of total expenditures for the category, which then become the item weights within the category. Category weights are derived by converting total expenditures for each category to percentages of total expenditures

(3) Items, categories, and weights are listed in the appendix to this subpart.

(c) *Survey operations.* (1) *Selection of retail outlets.* Periodic surveys of shopping patterns of Federal employees subject to this subpart in each allowance area and of Federal employees in the Washington, D.C., area are used to select respondents for the annual price surveys. The list of outlets and establishments is determined by tabulating employee responses on the outlets where they shop for the various categories of consumer goods and services. The two most frequently patronized outlets of each type are selected for the price surveys. The next most popular outlets are ranked as alternate choices in case a substitution is needed. Because participation by establishments in the price surveys is voluntary, and because the combination of price and sales volume data collected is sensitive information to many merchants, the list of establishments visited and the price data collected are not made public.

(2) *Pricing of retail items.* Within each outlet, three prices are collected for each item, representing the largest volume seller, the second largest volume seller, and the "economy price level" (lowest price) brand. The survey is made in two outlets with three prices for each item form each outlet (food markets, drug stores, etc.) for a total of six prices. Fewer than six prices are collected for those items that are available on a uniform price basis, such as newspapers or telephone service. In those cases where the requisite number of items or prices is not available, standard statistical procedures are used to impute the missing data.

(3) The prices collected are normal retail prices charged the consumer. All prices collected include any applicable sales or other taxes if they are included in or added to there retail prices by the establishment. In those areas were commissary and/or exchange facilities exist, the Department of Defense furnishes prices for individual items.

(d) *Analysis of the data.* (1) *Average prices .* All item prices are converted to a standard unit or quantity. These standardized prices are then combined into a simple average price for each item in the survey. If an item is not available

in an allowance area and no appropriate substitute can be made, its weight is prorated among the remaining items in that category. If there are commissary or exchange facilities available in the area, the prices for items available in those facilities are combined with the prices for private economy purchases to give a joint price which is used to calculate the comparative index for the "Commissary/PX" allowance category. The relative weights given to private economy and government facility purchases for an item are determined from the average proportion of use of the two types of shopping facilities reported in the living pattern surveys.

(2) *Price relatives.* A price relative is derived for each item by dividing the average price in the allowance area by the average Washington area price. If an item is purchased by mail or catalog order significantly more frequently in an allowance area than in the Washington area, the item index is adjusted to account for such purchase, including appropriate shipping costs.

(3) *Category index.* (i) Each category index, except housing, is a weighted average of the price relatives of the various items making up the category. The item price relatives are multiplied by the expenditure weights. The weights, described in § 591.205(b)(2) and listed in the appendix to the subpart, are constructed to sum to 100.0 in each category. The category index represents relative prices for that category, with Washington area prices equal to 100.0

(ii) The housing category index is calculated from employee responses to annual housing cost surveys conducted by OPM. Average costs are calculated for both renters and homeowners, including occupants of agency-supplied housing. Rental costs include the rental fee and any utilities paid by the renter. Homeownership costs include interest charges, utilities, taxes, insurance, land rent, and condominum fees. These costs are compared on a grade group basis with similar costs for employees in the Washington area to produce separate rental and homeownership ratios. An area's rental and homeownership ratios are combined into a population weighted total housing ratio by grade group. These ratios are combined into an index for the allowance area by weighting the grade group indexes by the employment in each group in the allowance area. The eight grade groups used are based on the General Schedule grades: 1–5, 6–7, 8–9, 10–11, 12, 13, 14, and 15 and up.

(4) *Comparative index.* The comparative index is produced from the category indexes by multiplying each category index by weights representing the relative importance of each category in the Washington base area expenditure pattern. The sum of the products, divided by 100.0, is the comparative index.

§ 591.206 Establishment of allowance rates.

(a) OPM uses the comparative index for each allowance area to determine the allowance rate for that area. The range of values within which the index value falls determines the appropriate allowance rate, expressed as a percentage of the rate of basic pay for eligible employees.

(b) The following table shows the comparative index range and corresponding allowance rate to be established for an allowance category under § 591.207:

COMPARATIVE INDEX AND ALLOWANCE RATE TABLE

Index range	Percentage allowance rate
Less than 105.0	0
105.0 to 106.2	5
106.3 to 108.7	7.5
108.8 to 111.2	10
111.3 to 113.7	12.5
113.8 to 116.2	15
116.3 to 118.7	17.5
118.8 to 121.2	20
121.3 to 123.7	22.5
123.8 and over	25

(c) The rate for each allowance area and category are published as notices in the **Federal Register**.

§ 591.207 Allowance categories, eligibility, and adjustments.

(a) The allowance categories which are established in each area are:

(1) "Local Retail," which applies to those Federal employees who purchase goods and services from private retail establishments.

(2) "Commissary-PX," which applies to those Federal employees who shop at private retail establishments, but who, as a result of their Federal civilian employment, also have unlimited access to commissary and exchange facilities. This category is established only in those allowance areas which have these facilities.

(b) Eligibility for access to commissary and exchange facilities is determined by the appropriate military department. Agencies should obtain from employees the information needed to determine the applicable allowance category.

(c) Section 205(b)(2) of Executive Order 10,000, as amended, requires adjustments to allowance payments where warranted because of Federal quarters or special purchasing privileges. These adjustments are applicable only when the quarters or purchasing privileges are made available as a result of Federal civilian employment and result in substantially lower costs when compared to local area costs.

(1) *Special purchasing privileges.* Adjustments for access to commissaries and exchanges are incorporated into the comparative index calculations and the resulting allowance rates (see §§ 591.205 and 591.206).

(2) *Federal quarters.* If the rent charged an employee by an agency for quarters is less than the fair market rent, net of all appropriate adjustments, established under Office of Management and Budget Circular A–45, "Policy Governing Charges for Rental Quarters and Related Facilities," the difference between the rent charged and the fair market rent shall be deducted from the allowance paid by the employing agency up to, but not exceeding, the amount of the allowance.

§ 591.208 The post differential.

(a) The post differential is based on (1) extraordinarily difficult living conditions; (2) excessive physical hardship; or (3) notably unhealthful conditions.

(b) The places at which differentials are paid are:

(1) American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171 degrees west of Greenwich, together with Swains Island).

(2) Canton and Enderbury Islands.

(3) Guam.

(4) Johnston Island and Sand Island.

(5) Midway Islands and Wake Island.

(c) The rates for each area for which a differential is authorized are published as notices in the **Federal Register**.

§ 591.209 Eligibility for the differential.

A department or agency shall determine employee eligibility to receive a differential as follows:

(a) To be eligible to receive a differential (1) the employee must be a citizen or national of the United States; (2) the employee's residence in the area where the differential applies must be attributable to employment by the United States; and (3) this residence in the area over an appropriate prior period of time must be because of employment by the United States or by U.S. firms, interests, or organizations.

(b) Subject to paragraph (a) of this section, the classes of persons eligible to

receive differentials include but are not limited to—

(1) Persons recruited or transferred from outside the area where the differential applies, except that the department or agency concerned will exclude the spouse or dependent of an individual stationed, employed, or resident in the differential area when the department or agency determines that the spouse or dependent is there primarily to be near the individual.

(2) Persons employed in the area where the differential applies but who—

(i) Were originally recruited from outside the area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the U.S. Government participates, and whose conditions of employment provide for their return transportation to places outside the differential area concerned; or

(ii) Were at the time of employment temporarily present in the differential area concerned for purposes of travel or formal study and maintained residence outside the area during that period.

(3) Persons who are not normally residents of the area where the differential applies and who are discharged from the military service of the United States in the area to accept employment there with an agency of the Federal Government.

§ 591.210 Payment of allowances and differentials.

(a) Allowances and differentials under this subpart are payable to an employee whose permanent duty station is in a nonforeign area for which an allowance or differential is authorized.

(b)(1) Except as provided in paragraph (2) of this subsection, allowances and differentials are calculated and paid as a percentage of an employee's hourly rate of basic pay for those hours for which the employee receives basic pay, including all periods of paid leave and while the employee is on detail or in travel status outside the area for which the allowance or differential is authorized.

(2) Payment of a differential during periods of paid leave or travel outside the area for which the differential is authorized continues for the first 42 consecutive calendar days of the absence, and only if the employee returns to duty status in the area, unless the agency determines that—

(i) It is in the public interest not to return the employee to the duty station; or

(ii) The employee's failure to return to the duty station was due to compelling personal reasons or to circumstances over which the employee had no control.

(c) An employee assigned to a duty station for which both an allowance and a differential are authorized under this subpart and eligible for both will receive the full amount of the allowance, plus so much of the differential as will not cause the combined total of allowance and differential to exceed 25 percent of the hourly rate of basic pay.

(d) If an employee who is receiving an allowance or differential or both under this subpart is temporarily assigned to a duty station in a foreign area and is eligible to receive a foreign post differential authorized by the Department of State under 5 U.S.C. 5925, the employee will receive the foreign area differential, plus so much of the allowance and/or differential (in that order) authorized under this subpart as will not cause the combined total to exceed 25 percent of the hourly rate of basic pay.

(e)(1) An allowance or a differential is not part of an employee's rate of basic pay for the purpose of computing entitlements to overtime pay, retirement, life insurance, or any other additional pay, allowance, or differential under title 5, United States Code.

(2) An allowance or differential is included in an employee's regular rate of pay for computing overtime pay entitlement under the Fair Labor Standards Act of 1938, as amended.

(f) Payment of an allowance or a differential is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code.

§ 591.211 Periodic review.

In accordance with Executive Order 10,000, OPM reviews from time to time, but at least annually, the places designated, the rates fixed, and the regulations in this subpart which are prescribed for payment of allowances and differentials. The purpose of the review is to make warranted changes to ensure that payments under this subpart shall continue only during the continuance of conditions justifying payment of allowances and differentials and shall not in any instance exceed the amount justified. However, if program or methodology revisions would substantially reduce an established differential or allowance rate, then the rate of such additional compensation may be reduced gradually.

Appendix to Subpart B—Weights for Categories and Items

(a) The consumption expenditure categories and the relative weights used in constructing the comparative indexes are as follows:

Category	Category weight
Food at home:	
Meats, eggs, and fats	4.5
Groceries	4.5
Fruits and Vegetables	1.8
Food away	6.7
Personal care	3.0
Clothing	6.1
Medical care	5.1
Recreation	12.8
Transportation	19.9
Household operations	11.8
Housing maintenance	1.6
Housing	20.8
Total	100.0

(b) The items included within each expenditure category, and the weights associated with them, are as follows:

Category and items	Item weight	Category weight
Meats, eggs, and fats		4.5
Beef	37	
Pork	10	
Lamb and other	8	
Fillet fish	5	
Canned fish	3	
Chicken	13	
Eggs	6	
Butter	3	
Margarine	2	
Other fats	4	
Bacon	4	
Canned ham	5	
Total	100	
Groceries		4.5
Fresh milk	22	
Cheese	13	
White bread	19	
Other bread	6	
Flour	1	
Cake mix	1	
Cereal	3	
Rice	2	
Tea	2	
Coffee	7	
Soft drinks	14	
Chocolate bar	6	
Sugar	3	
Baby food	1	
Total	100	
Fruits and vegetables		1.8
Fresh citrus fruit	9	
Other fresh fruit	16	
Frozen juice	6	
Potatoes	12	
Fresh vegetables	16	
Canned juice	8	
Canned fruit	9	
Canned vegetables	18	
Frozen vegetables	6	
Total	100	
Food away		6.7
Breakfast	19	
Lunch	57	
Dinner	24	
Total	100	
Personal care		3.0
Toothpaste	8	
Razor blades	5	
Deodorant	21	
Launder shirt	12	
Dry cleaning	24	
Man's hair services	7	
Woman's hair services	16	
Child's haircut	7	
Total	100	
Clothing		6.1

Category and items	Item weight	Category weight
Man's suit	11	
Man's slacks	9	
Man's shirt	6	
Man's shoes	7	
Man's T-shirt	2	
Woman's dress	17	*
Woman's blouse	7	
Woman's skirt	9	
Woman's slip	6	
Woman's panty hose	7	
Child's jeans	10	
Boy's shoes	9	
Total	100	
Medical care		5.1
Aspirin	5	
Milk of magnesia	5	
Tetracycline	4	
Insulin	4	
Doctor visit	14	
Dentist, filling	4	
Dentist, extraction	4	
Dentist, cleaning	4	
Hospital	11	
Health insurance	45	
Total	100	
Recreation		12.6
Camera film	6	
Film processing	6	
Paperback book	10	
Local newspapers	9	
TV set	15	
Bicycle	5	
Phonograph record	7	
Movies	6	
Performing Arts	8	
Sports event	6	
Cigarettes	9	
Wine	2	
Whiskey	6	
Beer	7	
Total	100	
Transportation		19.9
Lube and oil change	1	
Tune-up	1	
Tires	5	
Gasoline	27	
Auto insurance	14	
Taxi	1	
Bus	1	
Air fare	7	
Auto purchase	43	
Total	100	
Household operations		11.6
Laundry detergent	4	
Scouring powder	4	
Toilet tissue	8	
Light bulb	7	
Sewing machine	2	
Electric iron	2	
Washing machine	9	
Vacuum cleaner	2	
Bath towel	7	
Sheet	7	
Telephone	21	
Services	20	
Postage	7	
Total	100	
Housing maintenance		1.6
Paint	45	
Plywood	11	
Concrete mix	10	
Wire	5	
Nails	12	
Glazing compound	5	
Roof shingles	12	
Total	100	
Housing		20.6
Grand total		100.0

[FR Doc. 85-25051 Filed 10-18-85; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

[Docket No. F&V AO-205-A-6]

Filberts/Hazelnuts Grown in Oregon and Washington; Recommended Decision on Proposed Amendment of the Marketing Agreement, as Amended, and Order, As Amended, and Opportunity To File Written Exceptions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written exceptions on the proposed amendment of the filbert/hazelnut marketing agreement and order program. The proposed amendment would: (1) Change representation on the Filbert/Hazelnut Marketing Board to eliminate any reference to either cooperative or independent handlers and recognize industry composition; (2) provide authority for advertising and promotion programs; (3) provide authority for crediting a handler's assessment for certain kinds of advertising and promotion; and (4) change the method of establishing marketing policy and volume regulations to allow more flexibility to react to market conditions and provide for market growth. The intent of the proposed changes is to improve the effectiveness of the program.

DATE: Written exceptions to this recommended decision must be filed by November 20, 1985.

ADDRESSES: Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, DC 20250. Two copies of all written exceptions should be submitted, and they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250 (202) 447-5053.

SUPPLEMENTARY INFORMATION: Prior documents in the proceeding: Notice of Hearing—Issued February 11, 1985, and published February 13, 1985 (50 FR 5995).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code, and therefore is not subject to the requirements of Executive Order 12291.

List of Subjects in 7 CFR Part 982

Marketing agreements and orders, Filbert/hazelnuts, and Oregon and Washington.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed further amendment of the marketing agreement and order, regulating the handling of filbert/hazelnuts grown in Oregon and Washington and of the opportunity to file written exceptions thereto. Copies of this decision may be obtained from the Hearing Clerk.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

This proposed amendment was formulated on the record of a public hearing held in Portland, Oregon, on February 20-21, 1985. The hearing notice was published in the February 13, 1985, issue of the **Federal Register** (50 FR 5995). That notice contained the proposals submitted by the Filbert/Hazelnut Marketing Board (Board).

Material Issues

The material issues of record are as follows:

(1) Change Board representation and nomination procedures to reflect current industry composition;

(2) Change the method of establishing marketing policy and volume regulations to allow flexibility to react to market conditions and provide for market growth;

(3) Provide authority for production research, market research and development projects, including provisions for promotion and paid advertising;

(4) Provide authority for crediting a handler's assessment for certain kinds of advertising and promotion; and

(5) Make such changes in the order as may be necessary to bring it into conformity with any amendment that may result from the hearing.

Small Business

As stated in the notice of hearing interested persons were invited to present evidence at the hearing on the probable regulatory and informational impacts of the proposed changes on

small business. Based on the record evidence, a sizeable majority of the filbert growers and handlers could be considered small businesses for the purposes of the Regulatory Flexibility Act (RFA) (Pub. L. 96-354). In that regard testimony was presented that the production, harvesting and preparation of filberts for market were relatively similar among all filbert producers. No clear relationship could be drawn between the size of producers and the corresponding costs. No testimony was presented on handler costs or variations of these costs.

The purpose of the RFA is to fit regulatory action to the scale of businesses subject to such action in order that small businesses will not be unduly or disproportionately burdened. The act requires the application of uniform rules to regulated handlers. Marketing orders and rules proposed thereunder are unique in that they are normally brought about through group action of essentially small entities for their own benefit. Thus, both the RFA and the act are usually compatible with respect to small business entities. Since the handlers covered under M.O. 982 are predominately small businesses, and the order reflects the views and consensus of such small businesses, the changes proposed in this proceeding would impose no disproportionate regulatory burdens on any group of small entities within the industry.

While the order and the changes proposed herein impose certain regulations on affected businesses and the number of businesses may be substantial, any added burden resulting from these changes should not be significant when compared to the benefits which should accrue to such businesses. All entities, small and large, would be treated equitably as a result of these changes in the order. Furthermore, the record evidence is that there is no practical means of exempting small businesses from the order and the regulations applicable thereto.

Findings and Conclusions

The following findings and conclusions on the material issues are based on the record of the hearing.

(1)(a) When the filbert marketing order was promulgated in 1949 there were approximately 5,000 filbert growers in Oregon and Washington. Based on the testimony presented at the promulgation hearing in 1949, it was concluded that there should be a distinction between cooperatives and independents because these two groups had different views on various marketing problems. The order provided that majority representation on the Board would go to whichever of the two basic groups—cooperative or independent—handled more than 50 percent of merchantable filberts during the preceding fiscal year. Since then, the number of filbert growers has declined until currently there are only about 1,100 growers in the area of production. Also, there has been a noticeable decline in the number of growers affiliated with marketing cooperatives. Thus, cooperatives have a disproportionate share of Board membership (both grower and handler segments) based on the volume of filberts handled by cooperatives in relation to the total volume.

While cooperative and independent growers and handlers might, on occasion, have differing views on marketing, the evidence of record in this proceeding is that there are few, if any, major differences between cooperatives' and independents' (both growers and handlers) objectives so as to warrant this distinction now. Moreover, eliminating this distinction would simplify nomination procedures and provide for greater flexibility in the nomination and selection of grower and handler members to serve on the Board.

(b) Section 982.30 contains provisions on the establishment and membership of the Board. This section should be revised to change the composition of the Board. The Board now consists of nine members, composed of five growers, three handlers, and a public member who is neither a grower nor a handler. Based on the evidence of record, the membership of the Board should be increased to 10 members by increasing the number of handler members from three to four. The number of grower and public members should remain the same. The handler membership should be allocated as follows: One member and alternate should be nominated by each of the three largest handlers of filberts, and the fourth member and alternate should be nominated by and represent all other filbert handlers. The reason for this change is to recognize the increasing influence of handlers on Board decisions, particularly in the area of funding for operational purposes and for advertising and promotional matters. Other Board proposals discussed in Material Issue (3) would authorize advertising and promotion programs, and crediting handlers' assessment obligations for certain kinds of advertising and promotion. Since funding for such projects would be on the basis of tonnage handled by handlers, the three handlers handling the largest volume should be accorded the largest share of the handler representation. Although the total tonnage handled by all handlers varies from year-to-year, the evidence of record is that the three largest handlers generally have handled at least three-fourths of the filbert crop in recent years. Thus, it would be equitable to accord these handlers three-fourths of the handler representation in the future. However, to recognize that this situation may not continue to exist in the future, the Board, with the approval of the Secretary, should have authority to revise handler representation on the Board if it is no longer representative after substantial changes in the filbert industry. For example, an increase in the quantity of filberts handled by the remaining handlers, or an increase in the number of filbert handlers, could decrease the proportion of filberts handled by the three largest handlers well below the current three-fourths.

The testimony contained no criteria that may be used by the Board in determining when handler representation was no longer representative, and how such membership should be revised. Therefore, it would be necessary for the Board to establish such criteria, with the approval of the Secretary through public rulemaking before any revision.

Since references to cooperative and independent growers would be deleted from the order, these two groups would not be recognized any longer in the nomination and selection of grower membership on the Board. Instead, to assure balanced representation geographically, grower representatives should be nominated from the five grower districts designated in or established pursuant to § 982.31, with one grower to represent each district.

(c) Currently, § 982.31 is entitled "Independent grower districts" and defines three districts into which the area of production is divided for the purpose of nominating independent producer members and alternates to the Board. Since references to "cooperative" and "independent" producers would be deleted, the section be retitled—grower districts, and should define five districts. The proposed districts are similar to those used by the filbert industry for other purposes and are based on geographical and production factors. For example, based on recent data, District No. 1 has 3,690 acres and produces 3,155 tons; District No. 2 has 4,890 acres and produces 4,045 tons; District No. 3 has 3,427 acres and produces 2,970 tons; District No. 4 has 4,159 acres and produces 3,505 tons; and District No. 5 has 5,311 acres and produces 4,760 tons. The evidence of record is that the proposed districts would provide an

equitable and appropriate basis for the nomination and selection of the Board membership.

In the event that grower membership ceases to be representative, the Board should have the authority to recommend changes in districts or grower membership. Therefore, § 982.31 should also authorize the Board to recommend, and the Secretary approve, a reduction in the number of districts within the production area, a redefinition of district boundaries, and a change in the number of grower members to represent particular districts. Criteria to be taken into consideration in making any recommendations for redistricting or for reallocation of members and their alternates among districts should include: (1) Production and number of growers in each district; (2) geographic location of districts as they would affect the efficient administration of the order; and (3) any other relevant factors.

(d) Section 982.32—Nominations should be retitled "Initial members and nomination of successor members" and revised to conform with the proposed changes in the provisions on establishment and membership of the Board. So as to provide an orderly transition from one Board to the next, § 982.32 should provide the membership of the Board serving immediately prior to the effective date of the changes recommended in this document should continue to serve as initial members of the Board until their respective successors are selected and have qualified.

Because of the changes recommended in the handler membership of the Board, § 982.32 should provide that nominations for successor handler members and alternate members should be made pursuant to proposed § 982.30(b) (1) through (3) by the largest, second largest and third largest handler. Their ranking should be determined as follows: The tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts, computed to the nearest whole ton, recorded by the Board as handled by each such handler during the marketing year preceding marketing years in which nominations are made. In order to facilitate and simplify the nomination for the fourth handler member and alternate member § 982.32 also should provide nominations for these persons which should be made by all other handlers by mail ballot. All votes cast should be weighted according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect the inshell equivalent of certified shelled filberts (computed to the nearest whole ton), recorded by the Board as handled by each such handler during the preceding marketing year. This would be consistent with the basis for selecting the three largest handlers; i.e., on the basis of tonnage handled. If less than one ton is recorded for any such handler, that handler's vote should be weighted as one ton. The person receiving the highest number of weighted votes should be the member nominee and the person receiving the second highest votes should be the alternate member nominee.

Testimony was presented at the hearing that, some persons, although handlers pursuant to §§ 982.7 and 982.8, do not perform traditional handler functions with regard to some or all of the filberts they handle. With regards to these filberts, the responsibility for compliance and assessments have been transferred to more traditional handlers by means of interhandler transfers pursuant to § 982.56. Such testimony also disclosed that the weight of the filberts for voting and nomination purposes by the Board has been attributed by the Board to the handler responsible for payment of assessments on those filberts. Based on the testimony, this section should be continued. Therefore, § 982.32 should also provide that for the purposes of nominating and voting for handler members and alternates, the tonnage of filberts should be credited to the handler responsible under the order for the payment of assessments on those filberts.

For the grower positions, the nominees should be submitted after balloting conducted by the Board in the grower districts by growers, or officers or employees of growers. Grower members and their alternates should be elected from their respective districts on the one-grower-one-vote basis, with the grower receiving the largest number of votes in a district being the nominee from that district.

To assure that a prospective candidate has sufficient support for nomination, the names of the grower candidates for a particular district may be submitted to the Board on petitions signed by not less than 10 growers on record with the Board as growers in that district. Each grower should sign only as many petitions as there are persons to be nominated within that district. If such petitions fail to provide at least two names for the district the Board shall request County Agricultural Extension Agents in such district to recommend one or more eligible growers to be incuded on the ballot. The ballots with voting instructions, a list of candidates, and spaces to indicate voters' choices, spaces for write-in candidates, should be mailed to all growers who are on record with the Board. The person receiving the highest number of votes shall be the member nominee for that district and the person receiving the second highest number of votes shall be the alternate member nominee. In case of a tie vote, the Board should determine breaking the tie.

The members of the Board should continue to nominate the public member and alternate member at the first meeting of the Board following the selection of members for a new term of office.

Nominations for all handler and grower members and their alternates received by the Board shall be certified to the Secretary at least 60 days prior to the beginning for each marketing year with all necessary data and other information deemed by the Board to be pertinent and requested by the Secretary. Furthermore, if nominations are not made as specified in the order, the Secretary should have authority to select Board membership without regard to nominations. The Board, with the approval of the Secretary, should issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section.

(e) Section 982.33 currently provides that the terms of office shall be two years, and the terms are staggered so that approximately half of the membership is selected in even-numbered years and half is selected in odd-numbered years. So as to be more responsive to the growers and handlers they represent, the evidence of record is that all Board members' terms be one year and run concurrently. Moreover, since the first three handler positions would be based on the volume of filberts handled by the three largest handlers during a specified period, a two-year term would not be appropriate for these positions because the volume handled by any one of these handlers could change from year-to-year, and therefore, that handler's position relative to the other two handlers also would change.

The purpose of staggered terms was to provide for continuity of membership by ensuring the presence of experienced members on the Board at all times. The evidence of record is that there would be little likelihood of wholesale changes in membership through the proposed procedures so that continuity of membership on the Board would continue. Therefore, staggered terms of membership would be unnecessary.

However, to ensure the Board a reservoir of new ideas and avoid the danger that Board membership would become static, no member or alternate should serve more than six consecutive terms beginning with the 1986–87 marketing year. This should not restrict a member who had served six consecutive terms from then serving as an alternate for six consecutive terms, or for an alternate who had served six consecutive terms to serve as member for six consecutive terms.

At the hearing, it was proposed that the new, one-year terms begin July 1, 1985. In view of the timing of this document, this recommendation cannot be submitted to producers for approval before then, and therefore, the new terms should begin July 1, 1986, and this change should be made in proposed § 982.33.

The order currently provides that all Board members and alternates serve during the term of office for which they are selected and continue to serve until their successors are selected and have qualified. This provision should continue.

(f) Consistent with the recommendations to eliminate distinctions between independent and cooperative growers or handlers, § 982.34 on qualifications should be amended by deleting those references. As amended, § 982.34 should provide that any person prior to selection as a member or alternate member of the Board shall qualify by filing with the Secretary a written acceptance of that person's willingness to serve on the Board. Qualification prior to selection would simplify the selection of members and eliminate the anomoly of persons signifying their willingness to serve on the Board following their selection, as is currently the case. This section should also provide that each grower member and alternate shall be, at time of selection and during term of office a grower or an officer, employee, or agent of a grower in the district for which nominated. Similar qualification requirements should be prescribed for handlers.

So that members would continue to represent the groups which nominated them, § 982.34 should provide that any member or alternate member who at the time of selection was a member (or employed by or an agent of, a member) of the group which nominated that person shall, upon ceasing to be such, become disqualified to serve further and that position shall be deemed vacant.

Also, in the event that any grower member of alternate member of the Board handles any filberts produced by other growers or becomes an officer or employee of a handler, that person shall be disqualified to continue to serve on the Board in such capacity.

As currently provided in the order, the person nominated to serve as public member or alternate member should have no financial interest in any filbert growing or handling operation. In addition, the Board, with the approval of the Secretary, should have authority to issue rules and regulations concerning matters of qualifications for members and alternate members.

Currently § 982.36(b) provides that if a member of the Board and his alternate are unable to attend a meeting, the Board could designate any other alternate from the group in § 982.30 represented by such absent member to serve in the member's place. In view of the changes recommended in the composition of the Board, paragraph (b) should be deleted. For example, growers would represent specific districts, and it is possible that the district representatives may take different positions on issues. Thus, an alternate from one district should not be voting for and representing growers in another district. Similarly, since handler representatives would be nominated and selected on the basis of volume handled, an alternate representing one handler (or group of handlers) may not have the same interests as other handlers, and thus could not represent the interests of those handlers.

Finally, § 982.37 prescribing voting procedures should be amended to recognize the additional Board member. Because Board membership would be increased to 10 members, it would no longer be appropriate that only 5 concurring votes would be needed for Board action as provided now in § 982.37. This level would represent only 50 percent of the total Board membership. Therefore, voting requirements for concurring votes should be increased from 5 to 6. The present quorum requirement of 7 continues to be appropriate and sufficient to assure a degree of unanimity in the industry as well as protection of minority views.

In the Notice of Hearing paragraph (c) of this section was inadvertently omitted. This paragraph should not be deleted and should remain unchanged.

(2) Data introduced at the hearing indicates that filbert production in Oregon and Washington increased from an average of almost 10,000 tons in 1973–77 to an average of 15,190 tons in 1978–82, which includes a record crop of 18,600 tons in 1982. Historically, the primary and most profitable outlet for filberts has been the domestic inshell market. That market is limited, however, with annual sales approximately 5,000 to 6,000 tons a year. Retail sales of inshell filberts are confined almost exclusively to the winter holiday season, and most inshell filberts for the domestic market are sold by handlers during the period August through November.

Filberts are harvested during the months of September and October, and the grower price usually is established just prior to harvest. The grower price represents a composite based on the prices handlers expect to receive for sales of inshell and shelled filberts in domestic markets and exports. If any uncertainty develops in the market just prior to harvest, a reduced grower price results. The domestic inshell market is a very important market and it is the one most subject to sudden price variation during periods of market uncertainty or oversupply. Handlers do not engage in forward contracting for more than one harvest season in purchasing growers' production.

To promote orderly marketing conditions and thereby improve grower returns, § 982.40 currently provides for a marketing policy and, when appropriate, volume regulation. For each marketing policy year, the Board is empowered to hold meetings to compute its marketing policy, and compute and announce preliminary computed and final computed free and restricted percentages for that year. Section 982.40 provides that, prior to August of a marketing year, the Board shall meet in order to recommend establishment of an inshell trade demand for that year to the Secretary. The Board may then designate one of its employees to compute and announce the preliminary computed and final computed free and restricted percentages based on the trade demand established by the Secretary. This authority was included in the order in 1981 by amendment to reduce market uncertainty and thus improve grower returns. While this method has proven to be more systematic and less vulnerable to errors in estimation of crop production than earlier methods, it does contain deficiencies, especially in the computation and establishment of an inshell trade demand for a season. The 1981 amendment provided that for the purpose of initial marketing order calculations, the inshell trade demand shall be equal to the average of the trade acquisitions of inshell filberts during the preceding three years. A provision was also included that if the trade acquisitions during any one or all of those years are abnormally low because of crop conditions, the Board

may use a prior year or years to determine the three-year average. The Board then has the authority to release up to 110 percent of the inshell trade demand as calculated. In 1982, the formula prescribed in the order for computing inshell trade was suspended on an interim basis so that a trade demand in excess of that derived by the formula could be established for the 1982–83 season.

Evidence in this record shows that the formula was inflexible in that it did not provide for adjustment for desirable carryout which should have been used in computing the inshell trade demand and, when applied over a period of time, could result in serious distortions in the computed quantity. This inflexibility precluded the Board from recommending a trade demand for inshell filberts to meet the anticipated market needs for 1982–83. In addition, § 982.40 currently provides for the establishment of the trade demand annually through rulemaking. Through experience, this has created problems for the filbert industry because the time involved in rulemaking to establish the trade demand has resulted in such tonnage not being established by the time it was necessary for the Board to compute and announce the preliminary computed percentages for that year. These delays caused uncertainty in markets and disrupted sales. Handlers must be aware, as soon as possible, of the designation of percentages in order to plan accordingly.

The evidence of record is that if the Board determines that volume regulation would tend to effectuate the declared policy of the act, it shall compute and announce an inshell trade demand prior to September 20 of a marketing year. This would eliminate the need for the Board to wait for the establishment of an inshell trade demand through rulemaking before computing and announcing preliminary computed percentages and eliminate the uncertainties attenuating the current authority. Moreover, this would eliminate the need for the Board to meet prior to August since the September 20 date would afford it ample opportunity to formulate its marketing policy, including computation of an inshell trade demand. The inshell trade demand should equal the average of the preceding three years' trade acquisitions of inshell filberts with a provision that the Board may increase such average by no more than 25 percent if market conditions justify such increase.

At the hearing, it was contended that the Board's proposal was an improvement over the authority currently in the order and would help in preventing overly restrictive actions from decreasing the domestic inshell market, but that it does not require the Board to provide for market expansion or that an adequate supply will be made available to the domestic inshell consumer. Therefore, it was proposed in the alternative that the inshell trade demand computed by the Board equal 110 percent of the preceding three years' trade acquisitions of both domestic and imported inshell filberts. It was also contended that imported inshell filberts should be included in the computation of trade demand because they replace domestic inshell filberts in the market place, and that unless the order consistently acknowledges that portion of the market supplied by imports, the industry could find its domestic inshell markets shrinking. Both of these proposals should be denied. The domestic market has shown a limited capacity to consume inshell filberts and an oversupply situation usually has resulted in an excessive carryout of inshell filberts at the end of a marketing year. This situation has a depressing impact on grower prices in the following marketing year. The recommendation allowing the Board to increase the computed trade demand by 25 percent would give it ample opportunity to provide for growth in the inshell market.

Computation of the inshell trade demand using an average of three years should be appropriate because it is long enough to dampen the effect of short-term aberrations which often occur in the supply and demand, yet not too long so as to obscure trends in the consumption of filberts. If the trade acquisitions during any one or all of these three years are abnormal, because of crop or marketing conditions, the Board should be authorized to use a prior year or years in determining the three-year average. Currently, the order allows the use of alternative year(s) only if unusual crop conditions occur. This authority should be broadened to include unusual marketing conditions to give the Board additional flexibility in computing the inshell trade demand. It is difficult to foresee every abnormal marketing situation that may occur, but a large increase in imports of inshell filberts at very low prices would be one example. Authority to increase the computed trade demand by as much as 25 percent would provide the Board with the necessary flexibility to adjust to changing market conditions. This recommended change would give the Board an earlier opportunity to address itself to the need for increasing the trade demand, and thereby providing this information to the filbert industry sooner than is currently provided.

The 1981 amendment also revised the provisions pertaining to the establishment of free and restricted percentages. Pursuant to that change, prior to September 20 of a marketing year, the Board computes and announces preliminary computed free and restricted percentages for that year to release 70 percent of the inshell trade demand computed for that year. When the Board determines that a firm field price has been established for that marketing year, it computes and announces final computed free and restricted percentages for that year to release 80 percent of the inshell trade demand for that year. The preliminary or final computed free percentages are computed by multiplying the trade demand, adjusted by the declared carryin, by 70 or 80 percent, as the case may be, and dividing by the most recent official estimate of orchard-run production less the average disappearance during the preceding three years plus the undeclared carryin. The difference between 100 percent and the preliminary computed or final computed free percentage is the preliminary computed or final computed restricted percentage.

Early establishment of a firm field price is desirable to reduce marketing uncertainties which tend to inhibit domestic inshell sales and ultimately lower the grower price. The use of 70 percent, until a firm field price has been established, was included in the order to help provide an incentive for both growers and handlers to agree on a firm field price. Operating experience under the order has shown, however, that the 70 percent figure has been ineffective as an incentive for growers and handlers to agree on a firm field price. Handlers and buyers know that at least 100 percent of the domestic inshell trade demand will be released as required by the order, and sales tend to be based upon the release of at least 100 percent of the domestic inshell trade demand. Therefore, the use of 70 percent until a firm field price has been established is not productive and this authority should be removed from the order. However, the authority for an initial release of 80 percent of the inshell trade demand should be retained as an adjustment to protect against any error in understanding production. The production estimate used by the Board in estimating merchantable production in some years has been less than actual production. To avoid interference with handlers' plans and shipping operations, the free percentage cannot be reduced

once the free and restricted percentages are established. Thus, if a free percentage is established on the basis of a September production estimate and that production estimate is subsequently increased, an oversupply of inshell filberts is available for the domestic market.

At the time the Board computes and announces its preliminary computed percentages for a marketing year, it should also announce the portion of the restricted supply that may be shelled or exported, and the remainder of that supply to be disposed of in outlets approved by the Board pursuant to § 982.52. This authority should be included to enable the indusry to allocate a portion of the restricted supply to certain outlets for market development purposes.

Section 982.40(c) should also provide for the establishment of interim final and final percentages. That paragraph should provide that on or before November 15, the Board shall meet to recommend to the Secretary the interim final and final free and restricted percentages, including the portion of the restricted supply that may be shelled or exported. The interim final percentages should release 100 percent of the inshell trade demand previously computed by the Board for the marketing year. The final free and restricted percentages should release an additional 15 percent of the average of the preceding three years' trade acquisitions of inshell filberts for desirable carryout. If the trade acquisitions during any or all of these years were abnormal, the Board should be able to use a prior year or years in determining this three-year average. It was testified at the hearing that it has been the filbert industry's experience, especially in recent years, that a certain quantity of inshell filberts must be available for shipment early in the season and before the new crop is available for processing and shipment. The evidence of record is that, historically, this need approximates 15 percent of the average of prior years' shipments. The final free and restricted percentages should become effective 30 days prior to the end of the marketing year, or earlier as may be recommended by the Board and approved by the Secretary. Recommendations to the Secretary should include: (1) The estimated tonnage of merchantable filberts expected to be produced during the marketing year, (2) the estimated tonnage of inshell filberts held by handlers on the first day of the marketing year which may be available for handling as inshell filberts, thereafter, and (3) any other pertinent factors, bearing on the production and marketing of filberts during the marketing year.

Paragraph (c) should also authorize the Secretary, on the basis of the recommendation of the Board or other available information, to establish the interim final and final free and restricted percentages and the percentage of the restricted supply that may be shelled or exported upon a finding that establishment of those percentages would tend to effectuate the declared policy of the act.

Section 982.40(d) should continue to provide that prior to September 20, the Board may review grade and size regulations and recommend any changes in those regulations. The Board's review should be made prior to September 20 so that growers and handlers would be aware of any changes before any new crop filberts would be handled. The Board, in considering any grade and size regulations, should take into account whether such changes would cause handlers to make changes in plant equipment or operations. If so, handlers should be given sufficient time to make such changes before they begin handling new crop filberts.

Section 982.40(e) should continue to provide that the Board at any time prior to February 15 of the marketing year, may recommend to the Secretary revisions in the marketing policy for that year. However, consistent with the authority previously recommended for the Board to increase its computed trade demand, in no event should any revision result in free and restricted percentages based on an inshell trade demand which is more than 125 percent of the average of the preceding three years' trade acquisitions computed pursuant to § 982.40(b) for the marketing year. Following the Board's marketing policy meeting in November, it may become apparent to handlers that changes have occurred in the market necessitating a revision of the Board's policy. Therefore, § 982.40(e) should continue to provide that, if at any time during December 1 through February 10, two or more handlers who handled at least 10 percent of all filberts handled during the preceding marketing year request the Board to meet, the Board shall do so to determine whether the marketing policy should be revised.

Section 982.41 should be revised to conform with the proposed revision of § 982.40 that would allow the Board to compute and the Secretary to establish the percentage of restricted supply that may be shelled or exported. This section currently provides that free and restricted percentages computed by the Board, and established by the Secretary pursuant to § 982.40, shall apply to all merchantable filberts handled in a marketing year. This authority should continue. However, any percentage that is computed by the Board or established by the Secretary concerning the portion of restricted supply that may be shelled or exported should also apply for the entire season, and this provision should be inlcuded in § 982.41. Currently, the free and restricted percentages in effect at the end of the previous marketing year continue to apply in the succeeding marketing year until the preliminary computed free and restricted percentages are computed by the Board. This authority should continue. However, for the sake of clarity, the words "and announced" should be added so that it is clear that the previous year's percentages remain in effect until new percentages are computed and announced.

Section 982.51 currently prescribes procedures for crediting a handler's restricted obligation if the handler withholds ungraded inshell filberts or shelled filberts in lieu of certified merchantable filberts. In order for a handler to receive credit for any lot of ungraded inshell filberts withheld, the order requires the inspection of such lot to determine its content of merchantable filberts. Merchantable filberts are defined in the order as inshell filberts that meet the grade and size regulations in effect pursuant to § 982.45 and are likely to be available for handling. Evidence in the record is that most of such lots have been used for shelling stock and thus, it would be more realistic to grant restricted credit on the basis of kernel content rather than the merchantable (inshell) filbert content. Moreover, the formula currently prescribed in the order causes a handler, in some instances, to lose credit for certain filberts unless he/she shells them. Thus, paragraph (a) of § 982.51 should authorize a handler to withhold lots of ungraded inshell filberts in lieu of certified merchantable filberts in satisfaction of that handler's restricted obligation, and the weight on which credit may be received initially shall be the shelled filbert equivalent weight as determined by the Federal-State Inspection Service multiplied by 2.5. Any lot of ungraded filberts not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All determinations as to the shelled filbert equivalent weight shall be made by the Federal-State Inspection Service at the handler's expense. Also, as currently provided in § 982.51(a), filberts so withheld shall be

subject to the applicable requirements of § 982.50, which pertain to handlers' restricted obligations. However, so that final credit for lots of withheld ungraded filberts reflect, as much as possible, the ultimate usage of such lots, paragraph (a) should also provide that the weight of all such lots for which a handler has received credit shall be adjusted by the Board when the lots are handled or disposed of so that the creditable weight is equal to the amount of certified merchantable inshell filberts or certified shelled filberts that are subsequently handled or disposed from those lots. It is conceivable that, as a result of this final adjustment, a handler may or may not be holding sufficient filberts to satisfy the handler's restricted obligation. Therefore, § 982.51(a) should also provide that if this adjustment should by itself cause a handler to no longer be in satisfaction of the handler's restricted obligation as required by § 982.50, the amount of the deficit shall be satisfied in the subsequent marketing year. On the other hand, if this adjustment should by itself result in a handler disposing in restricted outlets of a quantity in excess of the handler's restricted obligation, such excess shall not be credited to the handler's restricted obligation during the subsequent marketing year. The evidence of record is that such excess should not be carried over into the succeeding marketing year. To do so could disrupt the marketing policy considerations for that year.

Paragraph (b) of § 982.51 authorizes a handler to withhold shelled filberts in lieu of certified merchantable filberts. Consistent with the change in the conversion factor prescribed in paragraph (a), the last sentence in paragraph (b) should provide that the inshell equivalent of withheld shelled filberts shall be determined by multiplying the weight of the shelled filberts by 2.5.

To recognize industry growth and changes which may occur from time to time, a new paragraph (c) should be added to § 982.51. This paragraph should provide that the Secretary upon recommendation of the Board and other available data, may modify the procedures in § 982.51, change the conversion factors, and specify conversion factors for different varieties of filberts.

Paragraph (b) of § 982.52 pertains to the export of certified merchantable restricted filberts. Whenever a handler acts as an agent of the Board in negotiating export sales, the handler is authorized a sales commission equal to f.o.b. area of production. Consistent with the practice in other agricultural industries with variable selling commission rates, the filbert industry should have flexibility to adjust to changes in market practices and conditions. Therefore, the current reference to a five percent selling commission should be deleted and paragraph (b) provide that the Board has the authority to set the selling commission rate.

In § 982.52(d), a change is necessary to conform to the changes in § 982.40 on marketing policy and volume regulation. This change would limit the credits that can be earned by a handler to those earned by handling an eligible product, and should exclude any product designated as an ineligible restricted product by the Board pursuant to § 982.40(c).

Section 982.54(a) currently provides, in part, that compliance by a handler with the requirements of § 982.50 as to the time when restricted filberts shall be withheld shall be temporarily deferred to any date requested by the handler but not later than 60 days prior to the end of the marketing year. That paragraph also provides that for the marketing period August 1, 1980 through April 30, 1981, compliance with any restricted obligation may be deferred to April 30, 1981. This period has passed and the proviso is no longer applicable and should be deleted.

Section 982.54(c) outlines the formula to be used to calculate the bonding rate for each pack. This formula should be eliminated and, instead, the Board should have the authority to establish the bonding rate for each pack. The current formula does not work very well for several reasons, mainly because some handlers do not sell certain packs, such as medium inshell filberts, and do not sell on an f.o.b. Oregon basis but rather ship their filberts to California and sell on an f.o.b. California basis. To provide for continuity, paragraph (c) should also provide that until bonding rates for a marketing year are fixed, the rates in effect for the preceding marketing year shall continue and when such new rates are fixed, any necessary adjustments shall be made.

Section 982.57 should be revised so that a filbert grower may handle filberts of his/her own production free from regulatory and assessment provisions if the grower sells such filberts in the area of production directly to consumers at the grower's ranch or orchard or at roadside stands or farmers' markets. While the Board currently has the authority to exempt these sales through rulemaking, the evidence of record is that this specific authority should be included in the order. This exemption would allow a filbert grower to sell part or all of his/her own crop directly to end users without being subject to regulatory terms of the order. A grower would not be allowed to sell his/her filberts to anyone other than an end user without compliance with all requirements established by the Board. To assure compliance with this authority, § 982.57(b) should also authorize the Board, with the Secretary's approval, to establish such rules, regulations and safeguards and require such reports, certifications, and other conditions as are necessary to insure that such filberts are disposed of only as authorized.

(3) A new § 982.58 entitled research, promotion, and market development, should be added to authorize the establishment of research, promotion and market development projects for filberts. The evidence of record is that the Board should be able to establish or provide for establishment of projects involving production research, marketing research and development projects and marketing promotion, including paid advertising, designed to assist, improve, or promote marketing, distribution, consumption, or efficient production of filberts. The Board should also have authority to credit the pro rata expense assessment obligations of a handler with such portion of his/her direct expenditure for such marketing promotion including paid advertising as may be authorized.

The U.S. filbert industry must promote its product and develop new markets and new uses. The Board should be authorized to promote filberts in domestic and foreign markets in order to be competitive. Also, there is a need to develop better kerneling varieties and to do more research on diseases, such as brownstain which decimated the 1983 crop. For example, while the kernel size of domestic production is generally larger than foreign produced kernels, the evidence of record is that U.S. production has been too small and inconsistent to compete effectively in existing markets. Moreover, many foreign produced kernels have distinctive flavors or other characteristics, such as ease of blanching, desired by users.

Although the U.S. filbert industry is growing, it is a relatively small factor in the world marketplace. On the basis of data submitted at the hearing, the United States accounts for about three percent of the world's commerical production. Many European countries, such as France and Greece, produce as many filberts as are produced in the U.S., but those filberts never enter world trade channels. European tradition and

eating habits enable European growers to dispose of large quantities of filberts in local markets. For example, in West Germany, the per capita consumption of filberts is more than 20 times greater than in the United States. On the basis of recent statistics, filberts constitute only about 2 percent of this nation's tree nut crop. During the past five years domestic filbert production has increased steadily, and it appears that there is a potential for continued growth if the industry can develop markets. The domestic filbert industry has not had to promote extensively so long as U.S. production amounted to only 8 to 11 thousand ton crops. However, with the potential for growth there is a need to develop new markets.

Currently, the research and promotion are conducted under the auspices of a state commission while grade and volume regulations have been under federal control. The amendment of the marketing order to include the proposed new section will economically benefit the administration of such programs by the filbert industry. Recent decisions eliminating the one filbert research position previously funded in the U.S. Department of Agriculture's Agricultural Research Service, along with state budget cuts has resulted in a greater need for the industry to fund research projects.

In establishing or providing for the establishment of projects involving production research, marketing research and development, marketing promotion, including paid advertising, the Board should be authorized to enter into contracts with other agencies, such as universities, state, federal, private agencies and others for the development of such projects.

In order to participate in such projects, the Board should budget for such participation. So that expenditures of funds on research and promotion may be spent wisely, the Board should outline the specifics of each proposed project and submit this to the Secretary for approval. In any promotion project, care should be taken to prevent false or deceptive advertising and any direct advertising references to competing foods or other agricultural commodities.

Any patents occurring from work under such programs will be "public patents", but the Secretary may assign exclusive rights to use of such patents to the Board if this is determined to be in the interest of the United States. In the event of program termination, such assignments should revert to the Federal government. Any funds generated from the use of such patents by the Board should be considered program income and would be subject to the same fiscal, budget and audit control as any other agency funds. Any and all contracts or subcontracts executed for expenditure of program funds should contain provisions authorizing USDA to audit to verify that funds are properly utilized.

(4) Section 982.58 should also authorize credit for brand advertising. The Board should be authorized to credit a portion of a handler's direct expenditure for paid brand advertising against the handler's assessment to supplement Board funded advertising and public relations. It is expected that this authority will provide handlers with an incentive to advertise and aid in improving the demand for filberts. No handler would receive credit for any allowable direct expenditures that would exceed the total of that handler's assessment obligation attributable to that portion of the assessment designated for marketing promotion including paid advertising. For example, if brand credit is allocated $40,000 and the handler's pro rata share of the assessment obligation is 10 percent, the handler's maximum credit for that year would be $4,000. Because marketing conditions change, a high degree of flexibility is necessary and this can best be accomplished through rules recommended by the Board and approved by the Secretary.

The third sentence in § 982.61 states that each handler shall pay to the Board on demand, assessments on all such assessable filberts at the rate fixed by the Secretary. Because new § 982.58 would provide for crediting the pro rata assessment obligation of a handler with such portion of the handler's direct expenditure for such marketing promotion, including paid advertising as may be authorized, a conforming change should be made in that sentence by adding after "Secretary", the following: "less any amount credited pursuant to § 982.58".

A new § 982.64 entitled creditable promotion and advertising reports should be added to the order to give the Board the necessary authority to require the submissioin of reports by handlers concerning creditable promotion which the Board considers necessary to administer the provisions of § 982.58.

The first sentence in § 982.69 should be revised to add a reference to the promotion and advertising activities conducted pursuant to § 982.58. The change allows verfication or audit, by the Board, of any information which pertains to claims or reports required under § 982.64.

Section 982.71 relates to record maintenance and retention of records. To recognize the authority in § 982.58, among other things, the first sentence in § 982.71 should be revised to provide that each handler shall maintain such records of filberts received, held and disposed of by the handler, and such records detailing such handler's promotion and advertising activities, as may be prescribed by the Board in order to perform its function under this part.

Section 982.86(b) should be amended to provide for periodic referenda. The evidence of record is that the Board should recommend to the Secretary during the first half of every 10-year period, beginning January 1, 1990, that a referendum be conducted to ascertain whether the order should be continued. In the structure of this section this subparagraph would be inserted as subparagraph (3) and current subparagraphs (3) and (4) should become (4) and (5), respectively.

(5) Some of the amendatory actions included in this recommended decision require conforming changes to make the entire marketing agreement and order conform with any amendment thereto. The basis for such changes have been discussed in the issues to which they are pertinent. Thus, in revising Board representation by deleting references to cooperatives and independents, § 982.9 defining cooperative handler, and § 982.10 defining independent handler, should be deleted.

The heading of § 982.16 should be changed from "Inshell trade demand" to "Inshell trade acquisitions" and the first sentence should be changed to conform.

Section 982.17 Marketing year, should be revised. That section currently defines that term to mean the 12 month period May 1 to the following April 30, both inclusive. The section should be revised with the dates changed to July 1 to the following June 30, both inclusive, to correspond with a revision of that definition through prior rulemaking.

In definitions the heading "Filbert Control Board" should be changed to "Filbert/Hazelnut Marketing Board", and the title of the Subpart at the heading of § 982.30 should be Filbert/Hazelnut Marketing Board.

All such changes should be incorporated in the recommended amendment of the order.

Rulings on Briefs of Interested Persons

At the end of the hearing, the Administrative Law Judge fixed March 18, 1985, as the final date for interested persons to file proposed findings and conclusions and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

General Findings

Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except for the findings and determinations which may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of filberts grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commerical and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of filberts grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of filberts grown in the production area as defined in the marketing agreement and order, as amended and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended Amendment of the Marketing Agreement and Order

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out.

PART 982—[AMENDED]

1. The authority citation for Part 982 continues to read as follows:

Authority: Agricultural Marketing Agreement Act of 1937, secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 982.9 Cooperative handler. [Removed]

2. Section 982.9 is removed.

§ 982.10 Independent handler. [Removed]

3. Section 982.10 is removed.

4. Section 982.16 is revised to read as follows:

§ 982.16 Inshell trade acquisitions.

"Inshell trade acquisitions" means the quantity of inshell filberts acquired by the trade from all handlers during a marketing year for distribution in the continental United States.

5. Section 982.17 is revised to read as follows:

§ 982.17 Marketing year.

"Marketing year" means the 12 months from July 1 to the following June 30, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

6. Section 982.30 is revised to read as follows:

§ 982.30 Establishment and membership.

(a) There is hereby established a Filbert/Hazelnut Marketing Board consisting of 10 members, each of whom shall have an alternate member, to administer the terms and provisions of this part. Each member and alternate shall meet the same eligibility qualifications. The 10 member positions shall be allocated as follows:

(b) Four of the members shall represent handlers, as follows:

(1) One member shall be nominated by the handler who handled the largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(2) One member shall be nominated by the handler who handled the second largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(3) One member shall be nominated by the handler who handled the third largest volume of filberts during the marketing year preceding the marketing year in which nominations are made;

(4) The fourth handler member shall be nominated by and represent all other handlers.

(c) Five members shall represent growers and shall be nominated for the districts designated in or established pursuant to § 982. 31. One grower member shall represent each of the five grower districts.

(d) One member shall be a public member who is neither a grower nor a handler.

(e) The Board, with the approval of the Secretary, may revise the handler representation on the Board if it ceases to be representative following substantial changes in the industry.

7. Section 982.31 is revised to read as follows:

§ 982.31 Grower districts.

(a) For the purpose of nominating grower members and alternate members, the following districts within the production area are hereby established:

(1) District 1—the State of Washington, and Clackamas and Multomah Counties in Oregon.

(2) District 2—Marion and Polk Counties in Oregon.

(3) District 3—Linn, Lane, and Benton Counties in Oregon.

(4) District 4—Yamhill County in Oregon.

(5) District 5—All other Oregon counties within the production area.

(b) The Secretary, upon the recommendation of the Board, may reestablish districts within the production area and may reapportion grower membership among the various districts: *Provided*, That in recommending any such changes, the Board shall give consideration to (1) relative importance of production in each district and the number of growers in each district; (2) geographic location of districts as they would affect the efficiency of administering this part; and (3) other relevant factors.

8. Section 982.32 is revised to read as follows:

§ 982.32 Initial members and nomination of successor members.

(a) Members and alternate members of the Board serving immediately prior to the effective date of this amended subpart, shall serve on the Board as initial members of the Board until their respective successors have been selected.

(b) Nominations for successor handler member and alternate members specified in § 982.30(b) (1) through (3) shall be made by the largest, second largest, and third largest handler determined according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton)

recorded by the Board as handled by each such handler during the marketing year preceding the marketing year in which nominations are made.

(c) Nominations for successor handler member and alternate member positions specified in § 982.30(b)(4) shall be made by the handlers in that category by mail ballot. All votes cast shall be weighted according to the tonnage of certified merchantable filberts, and when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each handler during the marketing year preceding the marketing year in which nominations are made, and if less than one percent is recorded for any such handler, the vote shall be weighted as one ton. The person receiving the highest number of weighted votes shall be the member nominee and the person receiving the second highest shall be the alternate member nominee.

(d) For the purposes of nominating and voting for handler members and alternates, the tonnage of filberts shall be credited to the handler responsible under the order for the payment of assessments on those filberts.

(e) Nominees to successor grower member and alternate member positions shall be submitted to the Secretary after balloting conducted by the Board in the grower districts by growers, or officers or employees of growers, as follows: Names of the candidates to be shown on the ballot for a particular district may be submitted to the Board on petitions signed by not less than 10 growers on record with the Board as growers being in that district; each grower may sign only as many petitions as there are persons to be nominated within that district. If such petitions fail to result in submission of at least two names for a district the Board shall request County Agricultural Extension Agents in that district to recommend one or more eligible growers to be included on the ballot. Ballots, accompanied by the names of all such candidates, with spaces to indicate voters' choices and spaces for write-in candidates, together with voting instructions, shall be mailed to all growers who are on record with the Board. The person receiving the highest number of votes shall be the member nominee for that district and the person receiving the second highest number of votes shall be the alternate member. In case of a tie vote, the Board shall determine breaking the tie.

(f) Nominations received in the foregoing manner by the Board for all handler and grower member and alternate member positions shall be certified to the Secretary at least 60 days prior to the beginning of each marketing year, together with all necessary data and other information deemed by the Board to be pertinent or requested by the Secretary. If nominations are not made within the time and manner specified in this subpart, the Secretary may, without regards to nominations, select the Board members and alternates on the basis of the representation provided for in this subpart.

(g) The members of the Board shall nominate the public member and alternate public member at the first meeting following the selection of members for a new term of office.

(h) The Board with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

9. Section 982.33 is revised to read as follows:

§ 982.33 Selection and term of office.

(a) *Selection.* Members and their respective alternates shall be selected by the Secretary from nominees submitted by the Board or from among other qualified persons.

(b) *Term of office.* Beginning July 1, 1986, the term of office of Board members and their alternates shall be for a period of one marketing year; but they shall serve until their respective successors are selected and have qualified: *Provided,* That beginning with the 1986–87 marketing year, no member shall serve more than six consecutive terms as member and no alternate member shall serve more than six consecutive terms as alternate.

(c) The members on the Board shall continue to serve until the new members and alternates have been selected and have qualified.

10. Section 982.34 is revised to read as follows:

§ 982.34 Qualification.

(a) Any person prior to selection as a member or an alternate member of the Board shall qualify by filing with the Secretary a written acceptance of willingness to serve on the Board.

(b) Each grower member and alternate shall be, at the time of selection and during the term of office, a grower or an officer or employee, or agent of a grower in the district for which nominated.

(c) Each handler member and alternate shall be, at the time of selection and during the term of office, a handler or an officer or employee, or agent of a handler.

(d) Any member or alternate member who at the time of selection was a member (or employed by or an agent of, a member) of the group which nominated that person shall, upon ceasing to be such, become disqualified to serve further and that position shall be deemed vacant. In the event any grower member or alternate member of the Board handles filberts produced by other growers or becomes an employee or agent of a handler, that person shall be disqualified to continue to serve on the Board in that capacity.

(e) No person nominated to serve as a public member or alternate member shall have a financial interest in any filbert growing or handling operations.

(f) The Board, with the approval of the Secretary, may issue rules and regulations covering matters of qualifications for members or alternate members.

11. Section 982.36 is revised as follows:

§ 982.36 Alternates.

An alternate for a member of the Board shall act in the palce of the member during such member's absence or, upon the member's death, removal, resignations, or disqualification, until a successor for that member's term has been selected and has qualified.

12. Section 982.37 (a) and (b) are revised to read as follows:

§ 982.37 Procedure.

(a) Seven members of the Board shall constitute a quorum at an assembled meeting of the Board, and any action of the Board shall require the concurring vote of at least six members. At any assembled meeting all votes shall be cast in person.

(b) The Board may vote by mail, telephone, telegraph, or other means of communication: *Provided,* That any votes (except mail votes) so cast shall be confirmed in writing. When any proposition is submitted for voting by any such method its adoption shall require ten concurring votes.

* * * * *

31. Section 982.40 is revised to read as follows:

§ 982.40 Marketing policy and volume regulation.

(a) *General.* As provided in this section, prior to September 20 of each marketing year the Board may hold meetings for the purpose of computing its marketing policy for that year and shall do so for the purpose of submitting any recommendations on its policy to the Secretary. The Board may designate

one of its employees to compute and announce the preliminary computed free and restricted percentages.

(b) *Inshell trade demand.* If the Board determines that volume regulation would tend to effectuate the declared policy of the act, it shall compute and announce an inshell trade demand for that year prior to September 20. The inshell trade demand shall equal the average of the preceding three years' trade acquisitions of inshell filberts: *Provided,* That the Board may increase such average by no more than 25 percent if market conditions justify such average by no more than 25 percent if market conditions justify such an increase. If the trade acquisitions during any or all of these years were abnormal because of crop or marketing conditions, the Board may use a prior year or years in determining the three-year average.

(c) *Inshell allocation*—(1) *Preliminary computed percentages.* Prior to September 20 of a marketing year, the Board shall compute and announce preliminary computed free and restricted percentages for that year, to release 80 percent of the inshell trade demand established for that year. The preliminary computed free percentage shall be computed by multiplying that trade demand, adjusted by the declared carryin, by 80 percent and dividing by the Board's estimate of orchard-run production less the average disappearance during the preceding three years, plus the undeclared carryin. The difference between 100 percent and the preliminary free percentage shall be the preliminary computed restricted percentage. At the same time, the Board may announce the portion of the restricted supply that may be shelled or exported, and the remainder of that supply to be disposed of it outlets approved by the Board pursuant to § 982.52.

(2) *Interim final and final percentages.* On or before November 15, the Board shall meet to recommend to the Secretary the interim final and final free and restricted percentages, including the portion of the restricted supply that may be shelled or exported. The interim final percentages shall release 100 percent of the inshell trade demand previously computed by the Board for the marketing year. The final free and restricted percentages shall release an additional 15 percent of the average of the preceding three years' trade acquisitions of inshell filberts for desirable carryout. If the trade acquisitions during any or all of these years were abnormal, the Board may use a prior year or years in determining this three-year average. The final free and restricted percentages shall become effective 30 days prior to the end of the marketing year, or earlier as may be recommended by the Board and approved by the Secretary. The recommendations to the Secretary shall include the following:

(i) The estimated tonnage of merchantable filberts expected to be produced during the marketing year.

(ii) The estimated tonnage of inshell filberts held by handlers on the first day of the marketing year which may be available for handling as inshell filberts thereafter.

(iii) Any other pertinent factors bearing on the marketing of filberts during the marketing year.

Whenever the secretary finds, on the basis of the recommendation of the Board or other available information that, to establish the final free and restricted percentages would tend to effectuate the declared policy of the act, the Secretary shall establish such percentages.

(d) *Grade and size regulations.* Prior to September 20 the Board may consider grade and size regulations in effect and may recommend modifications thereof to the Secretary.

(e) *Revision of marketing policy.* At any time prior to February 15 of the marketing year the Board may recommend to the Secretary revisions in the marketing policy for that year: *Provided,* That in no event shall any such recommendation provide for free and restricted percentages based on an inshell trade demand which is more than 125 percent of the average of the preceding three years' sales trade acquisitions computed pursuant to paragraph (b) of this section for that marketing year. At any time during the period December 1 through February 10 at the request of two or more handlers, who during the preceding marketing year handled at least 10 percent of all filberts handled, the Board shall meet to determine whether the marketing policy should be revised.

14. Section 982.41 is revised to read as follows:

§ 982.41 Free and restricted percentages.

The free and restricted percentages computed by the Board or established by the Secretary pursuant to § 982.40, shall apply to all merchantable filberts handled during the current marketing year. Until the preliminary computed free and restricted percentages are computed by the Board for the current marketing year, the percentages in effect at the end of the previous marketing year shall be applicable.

15. Section 982.51 is revised to read as follows:

§ 982.51 Restricted credit for ungraded inshell filberts and for shelled filberts.

(a) A handler may withhold ungraded inshell filberts in lieu of certified merchantable filberts in satisfaction of that handler's restricted obligations, and the weight on which credit may be received shall be the shelled filbert equivalent weight as inspected by the Federal-State Inspection Service multiplied by 2.5 percent. Any lot of ungraded filberts not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All determination as to the shelled filbert equivalent weight shall be made by the Federal-State Inspection Service at the handler's expense. Filberts so withheld shall be subject to the applicable requirements of § 982.50. The weight of all such lots for which a handler has received credit shall be adjusted by the Board when the lots are handled or disposed of so that the creditable weight is equal to the amount of certified merchantable inshell filberts or certified shelled filberts that are subsequently handled or disposed of from those lots. If this adjustment causes the handler to no longer be in satisfaction of that handler's restricted obligation as required by § 982.50, the deficiency shall be satisfied in the subsequent marketing year. If this adjustment results in a handler disposing, in restricted outlets, of a quantity in excess of that handler's restricted obligation such excess shall not be credited to such handler's restricted obligation during the subsequent marketing year.

(b) A handler may withhold, in accordance with § 982.50(a), certified shelled filberts in lieu of merchantable filberts in satisfaction of such handler's restricted obligation, subject to such terms and conditions as are recommended by the Board and established by the Secretary. The inshell equivalent of such filberts shall be determined by multiplying the weight of the shelled filberts by 2.5.

(c) The Secretary upon recommendation of the Board and other available data may modify these procedures, change the conversion factors, and specify factors for conversion for different varieties of filberts.

16. Section 982.52 (b) and (d) are revised to read as follows:

§ 982.52 Disposition of restricted filberts.

* * * * *

(b) *Export.* Sales of certified merchantable restricted filberts for shipment to destinations outside the continental United States shall be made only by the Board. Any handler desiring to export any part or all of that handler's certified merchantable restricted filberts shall deliver to the Board the certified merchantable restricted filberts to be exported, but the Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Board only on execution of an agreement to prevent reimportation into the continental United States. A handler may be permitted to act as agent of the Board, upon such terms and conditions as the Board may specify, in negotiating export sales, and when so acting shall be entitled to receive a selling commission as authorized by the Board. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose certified merchantable restricted filberts are so sold by the Board.

* * * * *

(d) *Restricted credits.* During any marketing year, handlers who dispose of a quantity of eligible filberts in restricted outlets in excess of their restricted obligations, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a marketing year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers that handler may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

17. Section 982.54 (a) and (c) are revised to read as follows:

§ 982.54 Deferment of restricted obligation.

(a) *Bonding.* Compliance by any handler with the requirements of § 982.50 when restricted filberts may be withheld shall be temporarily deferred to any date requested by the handler, but not later than 60 days prior to the end of the marketing year. Such deferment shall be conditioned upon the voluntary execution and delivery by the handler to the Board of a written undertaking before beginning to handle merchantable filberts during the marketing year. Such written undertaking shall be secured by a bond or bonds with a surety or sureties acceptable to the Board that on or prior to such date the handler will have fully satisfied the restricted obligation required by § 982.50, subject to any adjustment pursuant to § 982.51.

* * * * *

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound as established by the Board. Until bonding rates for a marketing year are fixed the rates in effect for the preceding marketing year shall continue in effect, and when such new rates are fixed necessary adjustments shall be made.

* * * * *

18. Section 982.57 is revised to read as follows:

§ 982.57 Exemptions.

(a) *General.* The Board, with the approval of the Secretary, may establish such rules, regulations, and safeguards that exempt from any or all requirements pursuant to this part such quantities of filberts or types of shipment as do not interfere with the volume and quality control objectives of this part, and shall require such reports, certifications, or other conditions as are necessary to insure that such filberts are handled or used only as authorized.

(b) *Sales by growers direct to consumers.* Any filbert grower may sell filberts of his own production free of the regulatory and assessment provisions of this part if he sells such filberts in the area of production directly to end users at his ranch or orchard or at roadside stands and farmers' markets. The Board, with the approval of the Secretary, may establish such rules, regulations and safeguards and require such reports, certifications and other conditions as are necessary to insure that such filberts are disposed of only as authorized.

19. A new center heading entitled "MARKET DEVELOPMENT" and a new § 982.58 following that heading are added to read as follows:

Market Development

§ 982.58 Research, promotion, and market development.

(a) *General.* The Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of filberts (hazelnuts). The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 982.61 or credited pursuant to paragraph (b) of this section.

(b) *Creditable expenditures.* The Board, with the approval of the Secretary, may provide for crediting all of any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sales of filberts, filbert products, or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising.

(c) *Rules and regulations.* Before any projects involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively administer such projects.

20. Section 982.61 is amended by revising the third sentence to read as follows:

§ 982.61 Assessments.

* * * Each handler shall pay to the Board on demand, assessments on all such assessable filberts at the rate fixed by the Secretary, less any amounts credited pursuant to § 982.58. * * *

21. A new § 982.64 entitled "Creditable promotion and advertising reports" to be published under Subpart—Records and Reports, is added to read as follows:

§ 982.64 Creditable promotion and advertising reports.

Each handler shall file such reports of creditable promotion including paid advertising conducted pursuant to § 982.58 as recommended by the Board and approved by the Secretary.

22. Section 982.69 is amended by revising the first sentence to read as follows:

§ 982.69 Verification of reports.

For the purpose of checking and verifying reports submitted by handlers, the Secretary and the Board, through its duly authorized agents, shall have access to each handler's premises at any time during reasonable business hours, and shall be permitted to inspect any filberts held by such handler and all records of the handler with respect to

filberts held or disposed of by such handler and all records of the handler with respect to promotion and advertising activities conducted pursuant to § 982.58. * * *

23. Section 982.71 is amended by revising the first sentence to read as follows:

§ 982.71 Records.

Each handler shall maintain such records of filberts received, held and disposed of by the handler, and such records detailing such handler's promotion and advertising activities, as may be prescribed by the Board in order to perform its function under this part. * * *

24. Section 982.86 is amended by redesignating paragraphs (b)(3) and (b)(4) as (b)(4) and (b)(5), respectively; and adding a new paragraph (b)(3) to read as follows:

§ 982.86 Effective time, termination, or suspension.

* * * * *

(b) * * *

(3) *Referendum.* The Board shall recommend to the Secretary during the first half of every ten-year period starting January 1, 1990, that a referendum be conducted to ascertain whether continuance of this subpart is favored by the producers.

* * * * *

Signed at Washington, DC, on October 15, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-24933 Filed 10-18-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1032

[Docket No. AO-313-A33]

Milk in the Southern Illinois Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the location adjustment provisions of the Southern Illinois order to reestablish the same location value of milk at plants in the St. Louis metropolitan area that applied at such plants under the former St. Louis-Ozarks order, which was terminated on April 1, 1985. The location adjustment change is needed to assure that an adequate supply of milk for fluid use will be shipped to distributing plants in the St. Louis metropolitan area. The amendment was proposed by six dairy cooperatives that represent about 90 percent of the producers who supply milk to the Southern Illinois market, and is based on the record of a public hearing held April 30, 1985, in Bridgeton, Missouri.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The amendments will promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued April 12, 1985; published April 18, 1985 (50 FR 15432).

Recommended Decision: Issued August 20, 1985; published August 26, 1985 (50 FR 34491).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Southern Illinois marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Bridgeton, Missouri, on April 30, 1985. Notice of such hearing was issued on April 12, 1985, and published on April 18, 1985 (50 FR 15432).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Programs, on August 20, 1985, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of hearing relate to:

1. Location adjustments.

2. Whether emergency marketing conditions exist with respect to issue No. 1.

3. Conforming and technical changes.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Location adjustments.*

The location adjustment provisions should be amended to provide for a plus 7-cent location adjustment at plants located in the St. Louis metropolitan area. Such area includes the city of St. Louis, the Missouri counties of Jefferson, St. Charles and St. Louis and the adjacent Illinois counties of Madison (except Alton Township), Monroe and St. Clair. Application of the 7-cent location adjustment results in reestablishing the same location value of milk that existed at plants in this area under the St. Louis-Ozarks order that was terminated on April 1, 1985.

Six cooperative associations (Mid-America Dairymen, Inc., Associated Milk Producers, Inc., Land O'Lakes, Inc., Midwest Dairymen's Company, Prairie Farms Dairy, Inc. and Wisconsin Dairies Cooperative) that represent about 90 percent of the producers who supply the Southern Illinois market proposed the location adjustment amendment to reestablish the Class I price level that existed at plants in the St. Louis metropolitan area that have become regulated under the Southern Illinois order. The cooperatives contend that the action is necessary to maintain the historical 7-cent price difference that existed between plants in the St. Louis area and plants located in the base zone of the Southern Illinois marketing area. The cooperatives contend that the maintenance of the price difference is necessary to attract a supply of milk to plants in the St. Louis area from alternative production areas that must be relied on to furnish a sufficient supply of milk to meet the fluid milk needs of this major consumption center. The cooperatives contend that, in the absence of the price difference between the St. Louis and Southern Illinois base zone areas, there will not be a sufficient incentive for milk to be shipped to the St. Louis area from production areas that are also a source of supplemental supplies for plants located in the base zone of the Southern Illinois marketing area. In effect, the cooperatives contend that there is a greater economic service provided in supplying the St. Louis area since the supply sources are further from the St. Louis area than from plant

locations in the Southern Illinois base zone.

The location adjustment proposal was opposed by three handlers that operate distributing plants in the St. Louis metropolitan area that were formerly regulated under the St. Louis-Ozarks order. A witness for the handlers contended that there should be no difference in prices between the St. Louis area and the base zone of the Southern Illinois marketing area. The witness further contended that the Class I price at plants should bear a relationship to the distances that such plants are located from Eau Claire, Wisconsin.

The St. Louis-Ozarks order was terminated effective April 1, 1985. Five distributing plants located in the St. Lous metropolitan area became regulated under the adjacent Southern Illinois order as a result of their fluid milk sales within the marketing area. (Official Notice is taken of the Market Administrator's *Computation of Uniform Price* for the Southern Illinois order for April 1985.) As a result of the change in regulation, distributing plants in the St. Louis metropolitan area became subject to the Southern Illinois base zone price, which is 7 cents per hundredweight below the price that previously applied at such plants under the St. Louis-Ozarks order.

The metropolitan St. Louis area is a major consumption center with a population is excess of 2.2 million and total Class I route sales in the area during 1983 that approached 461 million pounds. The St. Louis area distributing plants that supply the metropolitan area also supply a substantial proportion of the fluid milk needs of the Southern Illinois market. Class I route sales by St. Louis area plants in the Southern Illinois marketing area represent about 28 percent of the total sales in the area, or about 11 million pounds per month. Hence, these plants are also an integral part of the Southern Illinois market.

The St. Louis metropolitan area is a deficit milk production area. Total sales by milk dealers in the St. Louis area are considerably greater than the amount of milk produced by dairy farmers located within a 50-mile radius of St. Louis. In every month but three during the four-year period of 1981–1984, route sales in the St. Louis area exceeded production by dairy farmers in the nearby production area. During 1983, fluid milk sales exceeded production by about 23 million pounds per month. In addition, the total Class I use by distributing plants located in the St. Louis area exceeded direct receipts from producers by about 11 million pounds per month during the recent 15-month period of January 1984–March 1985.

Because there is not a sufficient quantity of milk produced in the nearby direct-ship area to meet the fluid needs of distributing plants in the St. Louis area, such distributing plants must rely on supplemental shipments of milk from plants located beyond the local procurement area to meet their fluid milk needs. On a monthly basis over the 15-month period, shipments from supply plants to St. Louis distributing plants ranged from a low of 23 million pounds in February 1985 to a high of 30 million pounds during October 1984.

Each of the distributing plants in the St. Louis area that will be regulated under the Southern Illinois order received shipments from supply plants during the aforementioned 15-month period. Each such plant depends on milk from supply plants to supplement their direct receipts from dairy farmers. Supplemental milk supplies from supply plants located in southwestern and south-central Missouri, and formerly pooled under St. Louis-Ozarks order, likely will not be available to supply the needs of distributing plants in St. Louis in the future. The milk at these plants most likely will be attracted to markets to the south where higher returns to the dairy farmers will be available than if such plants were regulated under the Southern Illinois order. Thus, in the future, St. Louis distributing plants will have to place greater reliance on supplemental shipments from supply plants located primarily to the north of the marketing area.

Distributing plants regulated under the Southern Illinois order also have depended on supplemental milk shipments from supply plants and other order sources to furnish their needs. For instance, during the 15-month period of January 1984–March 1985, Southern Illinois distributing plants imported 186 million pounds or about 12 million pounds per month from such outside sources. On a monthly basis over that 15-month period, shipments to Southern Illinois distributing plants ranged from a low of 10 million pounds in March 1985 to a high of about 15 million pounds in October 1984.

There are two supply plants regulated under the Southern Illinois order that are located to the north of the marketing area at Spring Valley, Minnesota, and Waukon, Iowa. These plants were pooled under the Southern Illinois order for each of the months of January 1984–March 1985. In the capacity, they have constituted a regular source of supplemental milk for Southern Illinois distributing plants.

It is evident that distributing plants in the St. Louis area will have to compete with the Southern Illinois base zone price for supplies of supplemental milk from northern supply plants. Since it is 25 miles further from Spring Valley, Minnesota, to St. Louis than the Carlinville, Illinois, it costs about 9 cents more to haul milk from Spring valley to the St. Louis area than the Carlinville. Likewise, it costs about 12 cents more to haul milk from the supply plant at Waukon, Iowa, to St. Louis rather than to Carlinville because it is 35 miles further from Waukon to St. Louis than it is the Carlinville. Supplemental milk also has been shipped to St. Louis from a supply plant located at Arlington, Iowa. Because it is 35 miles further from Arlington to St. Louis than to Carlinville, it costs about 12 cents more to transport milk from Arlington to St. Louis than it does to move the milk to Carlinville. If the price level were equal at St. Loius and Carlinville, supplemental milk from the foregoing three supply plants would not be attracted to the more-distant St. Louis area.

It is evident from the foregoing that the location pricing proposal advanced by proponent cooperatives is needed to assure that adequate supplies of milk for fluid use will be shipped to distributing plants in the St. Louis area. A 7-cent plus location adjustment for plants in the St. Louis area will reflect a portion of the additional cost incurred in securing a supply of milk from northern supply areas that are more distant from St. Louis than from other Southern Illinois plants. Accordingly, the necessary changes to reestablish the former location value of milk at plants in the St. Louis area are adopted in this decision.

The need to reflect the greater distances that milk must be shipped from northern supply plant locations to St. Louis area plants, versus plants in the base zone of the Southern Illinois marketing area, disputes the views of opponent handlers who contend that there should be no difference in price between the two areas. A higher price in the St. Louis area, relative to the base zone of the Southern Illinois marketing area is necessary to cover at least a portion of the additional transportation cost involved in shipping milk to St. Louis versus Carlinville from northern supply plant locations. In addition, the mileages from Eau Claire, Wisconsin, the distributing plants in the St. Louis area, versus the mileage from Eau Claire to Carlinville, supports the conclusion that a higher price is necessary in the St. Louis area than in Carlinville.

2. *Whether emergency marketing conditions exist with respect to issue No. 1.*

The hearing notice indicated that evidence would be taken at the hearing to determine whether the omission of a recommended decision and the opportunity to file exceptions thereto would be warranted because of emergency marketing conditions.

Proponent cooperaltives did not present any evidence of emergency marketing conditions, but requested that a decision be issued as expeditiously as possible. Since no information of a compelling nature was presented, it would have been inappropriate to omit the issuance of a recommended decision and the opportunity for interested parties to file exceptions to such decision. Consequently, the request for emergency action was denied.

3. *Conforming and technical changes.*

As stated in issue No. 1, the location adjustment provisions should be amended to assure the delivery of adequate supplies of milk for fluid use to distributing plants in the St. Louis metropolitan area. The proposal by cooperative associations would accomplish this objective by establishing a plus 7-cent location adjustment at plants located in such area.

Portions of the area in the State of Illinois that were proposed to be included in the plus 7-cent zone are currently located within the Southern Illinois marketing area while other portions in the States of Illinois and Missouri are located outside the marketing area. Although the intent of the proposal should be adopted, the amendatory language contained herein is revised from what was proposed to conform with the current zone-pricing structure of the Southern Illinois order.

The Southern Illinois marketing area currently consists of three zones for pricing purposes. No location adjustment applies at plants located in the base zone. Prices at plants in the northern zone are 7 cents per hundredweight below the base zone price while prices in the southern zone are 7 cent per hundredweight above the base zone price.

Those portions of the St. Louis metropolitan area that are currently located in the base zone of the marketing area should be included in the southern zone. The remaining territory in the States of Illinois and Missouri that is outside the marketing area are included in a separate pricing zone with a plus 7-cent location adjustment. These changes do not result in any substantive change from what was proposed but are more consistent with the current zone pricing structure of the order. Several other minor changes are included within the location adjustment provisions because of the above modifications. These modifications are also of a nonsubstantive nature and are intended to make the entire location adjustment section clearer and easier to read and understand.

In addition to the above conforming changes, two technical, nonsubstantive revisions are included in the accompanying amendments to the order. One of these incorporates within the order language the currently effective equivalent price determination that was issued by the Acting Assistant Secretary on March 21, 1985. The determination of an equivalent price for use in computing Class I prices under the Southern Illinois order was necessitated by the April 1, 1985, termination of the St. Louis-Ozarks order. Prior to the termination of the St. Louis-Ozarks order, the Class I price for any month under the Southern Illinois order was the Class I price under the St. Louis-Ozarks order less 7 cents per hundredweight. In order to establish monthly Class I prices under the Southern Illinois order that are identical to Class I prices that would be established under the order in the absence of a termination of the St. Louis-Ozarks order, the equivalent price determination specifies that the Class I price for the month shall be the basic formula price for the second preceding month plus $1.53. Such language is hereby incorporated within § 1032.50(a) to update 7 CFR Part 1032.

A review of 7 CFR Part 1032 indicates that § 1032.70(b) should be terminated. This provision applies to a seasonal payment plan that was terminated effective April 7, 1980. Consequently, the provision serves no useful purpose and is terminated to update future publications of the Code of Federal Regulations.

Rulings on Proposed Findings and Conclusions

A single brief and proposed findings and conclusions were filed on behalf of one interested party. Such brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by such interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Southern Illinois order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

No exceptions were received.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Southern Illinois marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That this entire decision, except the attached marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

August 1985 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended,

regulating the handling of milk in the Southern Illinois marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1032

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: October 15, 1985.

Alan T. Tracy,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order[1] Amending the Order, Regulating the Handling of Milk in the Southern Illinois Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Illinois marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Southern Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Programs, on August 20, 1985, and published in the **Federal Register** on August 26, 1985 (50 FR 34491) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

The authority citation for Part 1032 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

1. Section 1032.2 is revised to read as follows:

§ 1032.2 Southern Illinois marketing area.

"Southern Illinois marketing area", hereinafter called the "marketing area", means all the territory within the following counties, all of which are in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

Base Zone

Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Greene, Jasper, Jefferson, Jersey, Lawrence, Macoupin, Madison (Alton Township only), Marion, Montgomery, Richland, Shelby, Wabash, Washington and Wayne.

Northern Zone

Champaign, De Witt, Douglas, Edgar, Logan, Macon, McLean, Menard, Morgan, Moultrie, Piatt, Sangamon and Vermilion.

Southern Zone

Franklin, Hamilton, Jackson, Madison (except Alton Township), Monroe, Perry, Randolph, Saline, St. Clair (except Scott Military Reservation, East St. Louis, Centreville, Canteen, and Stites Townships and the city of Belleville), White and Williamson.

2. In § 1032.50, paragraph (a) is revised to read as follows:

§ 1032.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.53.

* * * * *

3. In § 1032.52, paragraph (a) (1), (2), and (3) is revised to read as follows:

§ 1032.52 Plant location adjustments for handlers.

(a) * * *

(1) For a plant located within one of the zones designated in § 1032.2, the adjustment shall be as follows:

Zone	Adjustment per hundredweight
Base Zone	No adjustment.
Northern Zone	Minus 7 cents.
Southern Zone	Plus 7 cents.

(2) For a plant located outside the marketing area but in any of the following territory the adjustment shall be as follows:

(i) Plus 7 cents. St. Clair County (Scott Military Reservation, East St. Louis, Centreville, Canteen, and Stites Townships and the city of Belleville only) in the State of Illinois and the counties of Jefferson, St. Charles and St. Louis and the city of St. Louis in the State of Missouri.

(ii) Minus 7 cents. In the State of Illinois and south of the northern boundaries of Adams and Schuyler counties (except for the territory in St. Clair County, Illinois specified in paragraph (a)(2)(i) of this section) and in the counties of Fountain, Parke, Vermillion and Warren in the State of Indiana.

(3) For a plant located outside the marketing area and the area described in paragraph (a)(2) of this section, the adjustment shall be minus 15 cents for any such plant located 100 miles or more from the city or village limit of Alton, Robinson, or Vandalia, Illinois, whichever is nearest, and minus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

* * * * *

§ 1032.70 [Amended]

4. In § 1032.70, paragraph (b) is removed.

[FR Doc. 85–24980 Filed 10–18–85; 8:45 am]

BILLING CODE 3410–02–M

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate market agreements and marketing orders have been met.

FEDERAL ELECTION COMMISSION

11 CFR Part 7

[Notice 1985-12]

Standards of Conduct for Agency Employees

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comments on its proposal to adopt formally regulations setting forth Standards of Conduct governing the conduct of its employees, special Commission employees, and former employees. This new Part implements the Ethics in Government Act of 1978 (Pub. L. 95-521) and other laws and regulations dealing with Federal employee Standards of Conduct. These regulations represent an attempt to facilitate the proper performance of Commission business and encourage citizen confidence in the impartiality and integrity of the Commission.

Specifically, this Part would set forth regulations pertaining to acceptance of gifts, entertainment, and favors; outside employment; teaching, lecturing, and writing; business and financial interests; political and other outside activities; use of Government information and property; and post-employment restrictions. This Part would prescribe procedures for disclosure of employment and financial interests for certain Commission personnel to protect further against possible conflicts of interest. These regulations also would provide for an Ethics Officer for the Commission whose duties would include the review of the confidential employment and financial disclosure statements, the investigation of suspected violations of this Part, and the maintenance of an interpretation and advisory service to answer questions concerning conflicts of interests and other matters covered by this Part.

DATES: Comments must be received on or before November 20, 1985.

ADDRESSES: Comments should be directed to Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, DC 20463.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, (202) 523-4143 or Toll Free (800) 424-9530.

SUPPLEMENTARY INFORMATION: The proposed rules represent an attempt by the Commission to provide specific standards of conduct by which employees may gauge their behavior. The intent of the proposed rules is to ensure fairness and impartiality in the administration of the statutes within the Commission's jurisdiction by employees.

Subpart A would set forth general provisions applicable to all employees of the Commission regarding rules of conduct. Specifically, it would explain the process by which employees, special Commission employees, and new employees are notified of these standards of conduct. This Subpart also would provide for an interpretation and advisory service by the Ethics Officer to answer questions regarding conflicts of interest. Furthermore, the proposed regulations of this Subpart would specify the procedures for reporting and handling suspected violations of this Part and the possible disciplinary and remedial action which could be taken against violators of this Part.

Proposed Subpart B would set forth standards of conduct and responsibilities of employees. This Subpart would offer general rules to regulate employee conduct and would list specifically unacceptable activities covering such areas as gifts, outside employment, financial interests, political and organization activity, membership in associations, use of Government property, making complaints and investigations public, and appearances of former employees. The procedures for submission of outside employment requests by employees would be included in this Subpart as well.

Section 7.15 of Subpart B would retain the Commission's proscription against *ex parte* communications regarding enforcement matters pending before the Commission. The proposed rules would limit enforcement of this proscription to Commissioner and Commission employees. The Commission requests comments on whether it should propose regulations to govern *ex parte* communications in other areas of the Commission's operations, such as with respect to advisory opinions and regulations. It has been the Commission's policy to permit the greatest possible opportunity for public comment on advisory opinion requests and proposed regulations. Comments from interested persons and organizations broadens the base of information on which the Commission makes its decisions. However, the Commission seeks comments on whether regulations are necessary to eliminate the possibility of unfairness to interested parties from undisclosed *ex parte* communications. This may be of particular concern with respect to advisory opinion requests which, unlike proposed regulations, are often issued to individual parties who may be in political competition with other persons or groups. In this regard, the Commission also requests comments on whether its current methods for handling *ex parte* communications are sufficient or should be changed to require additional measures, such as requiring that conversations be memorialized in memoranda that are circulated to the Commission.

Subpart C would set forth specific standards of conduct applicable to special Commission employees. These proposed regulations would include prohibitions on the misuse of Commission employment or inside information for unlawful private gain, and the unlawful acceptance of gifts and gratuities from persons having business with the Commission.

The regulations of Subpart D would provide guidance to employees and former employees regarding post-employment activities. Specifically, this Subpart would set forth post-employment restrictions and specify procedures for administrative enforcement of post-employment restrictions. Pursuant to Title V of the Ethics in Government Act, the proposed regulations of this Subpart would bar certain acts by former Commission employees which reasonably might give the appearance of making unfair use of prior Commission employment and affiliations. The investigation of alleged violations of this Subpart would be conducted by the Ethics Officer. If the Commission found, based upon an investigative report, a reasonable cause to believe finding against an alleged violator of this Section, an administrative disciplinary proceeding, conducted by an impartial examiner designated by the Ethics Officer, would be initiated.

Under the Commission's current Code of Ethics, certain Commission employees at the GS-15 level and below are required to file confidential statements of financial interest. Since the enactment of the Ethics in Government Act of 1978, however, some differences of opinion have surfaced regarding this filing requirement.

Two provisions of the Ethics in Government Act are at issue. Section 207(a) states the President may require officers and employees of the executive branch who are not specifically covered by the new reporting requirements of the Act to file confidential reports in the form provided by the Act. Section 207(c) provides that the reporting requirements of the Act "shall supersede any general requirements under any other provisions of law or regulations with respect to the reporting of information required for purposes of preventing conflicts of

interest or apparent conflicts of interest."

The Office of Government Ethics took the position, after the passage of the Act, that top executive officials at the level of GS-16 and above who were required by the Act to file public disclosure report would no longer file confidential statements. Those employees below the GS-16 level who previously filed confidential statements would continue to be required to do so in the form required by Executive Order 11222.[1]

The Department of Justice has consistently disagreed with this position. In the opinion of the Justice Department, sections 207 (a) and (c) supersede the reporting requirements of Executive Order 11222. Therefore, in the absence of a new Executive Order requiring employees at the level of GS-15 and below to file confidential statements in the form required by the Ethics in Government Act, there is no authority to require such employees to file statements at all. The Justice Department bases this judgment on its reading of the legislative history of the Ethics Act, which it contends demonstrated Congressional intent to establish a single, comprehensive statutory system of financial disclosure for federal employees and abolished the old executive order system.

The Department of Justice has also concluded that section 207(c) suspersedes "any general statutory or nonstatutory financial disclosure reporting systems in effect prior to the Act." *See* Attachment I, March 28, 1985 letter to Senator Cohen, Chairman, Senate Subcommittee on Oversight of Government Management, Committee on Goverement Affairs, from Phillip N. Brady, Acting Assistant Attorney General. The Department of Justice further stated that "[i]n December 1983, Office of Legal Counsel informed the Department's [of Justice] Designated Agency Ethics Official that confidential financial statements should not be collected unless a new reporting system is prescribed by the President." Since that time, "the Department has not mandated the collection of confidential disclosure statement from its employees."

In light of the present controversy, the Commission wishes to seek comment on whether to retain or remove the reporting requirements now contained in the Code of Ethics.

[1] Executive Order 11222 was issued on May 8, 1965 by President Lyndon B. Johnson. 30 FR 6469 (1965). It prescribed standards of ethical conduct for federal employees and required the repoyting of financial interests.

The Commission welcomes public comment on these proposed regulations and on any additional issues that may be raised by the proposed rules.

Certification of No Effect

Pursuant to 5 U.S.C. 605(b) the attached proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. The basis for this certification is that no small entity is affected by the proposed rules.

List of Subjects in 11 CFR Part 7

Administrative practice and procedure, Conflicts of interests, government employees, Political activities (government employees).

It is proposed to amend 11 CFR by adding new Part 7 as follows:

Note: The text enclosed in arrows indicates new material that reflects a change from the Code of Ethics.

PART 7—STANDARDS OF CONDUCT

Subpart A—General Provisions

Sec.

Subpart B—Conduct and Responsibilities of Employees and Commissioners

Subpart C—Conduct and Responsibilities of Special Government Employees

Subpart D—Post Employment Conflict of Interest: Procedures for Administrative Enforcement Proceedings

Authority: 5 U.S.C. 7321 et req., 18 U.S.C. 207.

Subpart A—General Provisions

§ 7.1 Purpose and applicability.

(a) ► The Federal Election Commission is committed to honest, independent and impartial monitoring and enforcement of federal election law. To ensure public trust in the fairness and integrity of the federal elections process, all employees must observe the highest standards of conduct. This Part prescribes standards of ethical conduct for employees and special Government employees in the Federal Election Commission relating to conflicts of interest arising out of outside employment, private business and professional activities, political activities, and financial interests. It sets forth procedures for the disclosure of such interests by Commission employees. The avoidance of misconduct and conflicts of interest on the part of Commission employees through informed judgment is indispensable to the maintenance of these prescribed ethical standards. Attainment of these goals necessitates strict and absolute fairness and impartiality in the administration of the law.◄ (The first two sentences are taken primarily from the preamble of the *Code of Ethics*. The remaining lines are additions summarizing the substance of this Part.)

(b) ► This Part applies to all persons included within the terms "regular employee" and "special Government employee" of the Commission as defined in 11 CFR 7.2, except to the extent otherwise indicated herein, and is consistent with Executive Order 11222 and Part 735 of Title 5, Code of Federal Regulations, relating to employee responsibilities and conduct. ◄ (This subsection has been added).

(c) These Standards of Conduct shall be construed in accordance with any applicable laws, regulations and agreements between the Federal Election Commission and employee organizations.

§ 7.2 Definitions.

As used in this Part:

(a) ► "Commission" means the Federal Election Commission, 1325 K Street NW., Washington, DC 20463. ◄ (This subsection has been added.)

(b) "Commissioner" means a voting member of the Federal Election Commission, in accordance with 2

U.S.C. 437c. (This is taken from the *Code of Ethics*, Subpart A section 2(a).)

(c) "Conflict of interest" means a situation in which an employee's private interest is inconsistent with the efficient and impartial conduct of his or her official duties and responsibilities. (This is taken from the *Code of Ethics*, Subpart A section 2(b).)

(d) ► "Designated Agency Ethics Officer" or "Ethics Officer" means the employee designated by the Commission to administer the provisions of the Ethics in Government Act of 1978 (Pub. L. 95-521), as amended, and includes a designee of the Ethics Officer. ◄ (This is taken from 5 CFR 734.105(d).)

(e) "Employee" means an employee of the Federal Election Commission, but does not include a special Commission employee. (This is taken from the *Code of Ethics*, Subpart A section 2(c), and 5 CFR 735.102(b).)

(f) ► "Former employee" means one who was, and is no longer, an employee of the Commission.◄ (This is taken from the policy governing post employment adopted by the Commission on Feb. 8, 1980, and 5 CFR 737.3(a)(4).)

(g) "Official responsibility" means the direct administrative or operating authority, whether intermediate or final, to approve, disapprove, or otherwise direct Commission action. Official responsibility may be exercised alone or with others and either personally or through subordinates. (This is taken from the *Code of Ethics*, Subpart A section 2(d), and is based on 18 U.S.C. 202(b).)

(h) "Outside employment or other outside activity" means any work, service or other activity performed by an employee, but not a Commissioner, other than in the performance of the employee's official duties. It includes such activities as writing and editing, publishing, teaching, lecturing, consulting, self-employment, and other services or work performed, with or without compensation. (This is taken from the *Code of Ethics*, Subpart B section 2(a).)

(i) "Person" means an individual, corporation, company, association, firm, partnership, society, joint stock company, or other group, organization, or institution. (This is taken from the *Code of Ethics*, Subpart A section 2(e) and 5 CFR 735.102(d).)

(j) "Special Commission employee" means an individual who is retained, designated, appointed or employed by the Federal Election Commission to perform, with or without compensation, temporary duties either on a full-time or intermittent basis, for not to exceed 130 days during any period of 365 consecutive days, as defined in 18 U.S.C. 202. (This is taken from the *Code of Ethics*, Subpart A section 2(f) and 5 CFR 735.102(e).)

§ 7.3 Notification to employees and special Commission employees.

(a) ► The provisions of this Part shall be brought to the attention of, and made available to, each employee and special Commission employee by furnishing a copy at the time of final publication. The provisions of this Part shall further be brought to the attention of such employees at least annually thereafter. ◄ (This is taken from 5 CFR 735.104(b)(2) and (4).)

(b) ► The provisions of this Part shall be brought to the attention of each new employee and new special Commission employee by furnishing a copy at the time of entrance of duty, and by such other methods of information and education as the Ethics Officer may prescribe. ◄ (This is taken from 5 CFR 735.104(b)(3).)

§ 7.4 Interpretation and advisory service.

Employees seeking advice and guidance on questions of conflict of interest and on other matters covered by this Part should consult with the Commission's General Counsel, who serves as Ethics Officer. The Ethics Officer should be consulted prior to the undertaking of any action which might violate this Part governing the conduct of Commission employees. (This is taken from 5 CFR 735.105(b) and the *Code of Ethics*, Subpart D section 4.)

§ 7.5. Reporting suspected violations.

(a) Personnel who have information which causes them to believe that there has been a violation of a statute or policy set forth in this Part should promptly report such incident to the ►Ethics Officer◄. If a report is made orally, the Ethics Officer shall require a written report from the complainant before proceeding further. (This is taken from the *Code of Ethics*, Subpart D section 3 and based in part on 5 CFR 735.106(b) "Ethics Officer" would replace "Staff Director" in the proposed regulations.)

(b) ►When a statement submitted under Subpart D of this Part or information from other sources indicates a conflict between the interests of an employee or special Commission employee and the performance of his or her Commission duties, the employee or special Commission employee shall be provided an opportunity to explain the conflict or appearance of conflict in writing.◄ (This is taken in part from the *Code of Ethics*, Subpart D section 1 and 5 CFR 735.106(c).)

§ 7.6 Disciplinary and other remedial action.

(a) ►A violation of this Part by an employee or special Commission employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.◄ (This is based in part on 5 CFR 735.107(a) and the *Code of Ethics*, Subpart D section 1(a).)

(b) When the ►Ethics Officer◄ determines that an employee may have or appears to have a conflict of interest, the Ethics Officer, employee's supervisor and division head may question the employee in the matter and gather other information. The ►Ethics Officer◄, the employee's supervisor and division head shall discuss with the employee possible ways of eliminating the conflict or appearance of conflict. If the ►Ethics Officer◄ after consultation with the employee's supervisor and division head concludes that remedial action should be taken, he or she shall refer a statement to the Commission containing his or her recommendation for such action. The Commission, after consideration of the employee's explanation and the results of any investigation, may direct appropriate remedial action as it deems necessary. (This is taken in part from the *Code of Ethics*, Subpart D section 1(a) and 5 CFR 735.106 (b) and (c). The Ethics Officer along with the supervisor and division head would review the statements under the proposed regulation.)

(c) Remedial action pursuant to paragraph (b) of this section may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee of his or her conflicting interest;

(3) Disqualification for a particular action; or

(4) Disciplinary action.

(This is based on the *Code of Ethics*, Subpart D section 1(b), and 5 CFR 735.107(b).)

Subpart B—Conduct and Responsibilities of Employees and Commissioners

§ 7.7. Prohibited Conduct—General.

►A Commissioner or employee shall avoid any action whether or not specifically prohibited by this Subpart which might result in, or create the appearance of:

(a) Using public office for unlawful private gain;

(b) Giving favorable or unfavorable treatment to any person or organization due to any partisan, political, or other consideration;

(c) Impeding Government efficiency or economy;

(d) Losing independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.◄ (This section is taken from 5 CFR 735.201(a) and Executive Order 11222, section 201(c).)

§ 7.8 Gifts, entertainment and favors.

(a) A Commissioner or employee of the Federal Election Commission shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(2) Conducts operations or activities that are regulated or examined by the Commission; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the Commissioner or employee's official duty. (This subsection is taken from the *Code of Ethics*, Subpart B, section 1(a), 5 CFR 735.202(a) and Executive Order 11222, section 201(a).)

(b) Paragraph (a) of this section shall not apply:

(1) Where obvious family or personal relationships govern when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) To the acceptance of food, refreshments, and accompanying entertainment of nominal value in the ordinary course of a social occasion or a luncheon or dinner meeting or other function where a Commissioner or an employee is properly in attendance;

(3) To the acceptance of unsolicited advertising or promotional material or other items of nominal intrinsic value such as pens, pencils, note pads, calendars; and

(4) To the acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans. (This subsection is taken from the *Code of Ethics*, Subpart B section 1(b).)

(c) A Commissioner or an employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself or herself. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as birthday, holiday, marriage, illness, or retirement. (This subsection is based on the *Code of Ethics*, Subpart B, section 1(c) and 5 CFR 735.202(d).)

(d) ►An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in section 7342 of Title 5, United States Code.◄ (This subsection is taken from 5 CFR 735.202(e).)

(e) ►Neither this section nor 11 CFR 7.7 precludes an employee from receipt of a bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this Part for which no Government payment or reimbursement is made. However, this section does not allow an employee to be reimbursed, or payment to be made on his or her behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967 (46 Comp. Gen. 689).◄ (This is taken from 5 CFR 735.202(f).)

§ 7.9 Outside employment or activities.

(a) A member of the Commission shall not devote a substantial portion of his or her time to any other business, vocation, or employment. Any individual who is engaging substantially in any other business, vocation, or employment at the time such individual begins to serve as a member of the Commission shall appropriately limit such activity no later than 90 days after beginning to serve as such a member. (This subsection is taken from 2 U.S.C. 437c(a)(3) and the *Code of Ethics*, Subpart B section 2(a).)

(b) ►An employee shall not engage in outside employment that is not compatible with the full discharge of his or her Government employment and not in compliance with Article 31 of the Labor Management Agreement between the Federal Election Commission and the National Treasury Employees Union. Incompatible outside employment or other activities include but are not limited to:◄ (This subsection is based in part on 5 CFR 735.203(a), Executive Order 11222, section 202, and the *Code of Ethics*, Subpart B section 2(b)(1).)

(1) Outside employment or other activities which would involve the violation of a Federal or state statute, local ordinance, Executive Order, or regulation to which the employee is subject; (This is based on the *Code of Ethics*, Subpart B section 2(c)(1).)

(2) Outside employment or other activities which would give rise to a real or apparent conflict of interest situation even though no violation of a specific statutory provision was involved; (This is taken from the *Code of Ethics*, Subpart B section 2(c)(2).)

(3) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances where acceptance may result in, or create the appearance of, a conflict of interest; (This is taken from the *Code of Ethics*, Subpart B section 2(c)(3) and 5 CFR 735.203(a)(1).)

(4) ►Outside employment or other activities that might bring discredit upon the Government or Commission;◄ (This is taken from the *Code of Ethics*, Subpart B section 2(c)(4).)

(5) ►Outside employment or other activities that establish relationships or property interests that may result in a conflict between the employee's private interests and official duties;◄ (This is based in part on the *Code of Ethics*, Subpart B section 2(c)(4).)

(6) Outside employment or other activities which would involve any contractor or subcontractor connected with any work performed for the Commission or would inovlve any person or organization in a position to gain advantage in its dealings with the Government through the employee's exercise of his or her official duties; (This is taken from the *Code of Ethics*, Subpart B section 2(c)(5).)

(7) Outside employment or other activities that may be construed by the public to be the official acts of the Federal Election Commission. In any permissible outside employment, care shall be taken to ensure that names and titles of employees are not used to give the impression that the activity is officially endorsed or approved by the Commission or is part of the Commission's activities; (This is taken from the *Code of Ethics*, Subpart B section 2(c)(6).)

(8) Outside employment or other activities which would involve use by an employee of his or her official duty time; use of official facilities, including office space, machines, or supplies, at any time; or use of the services of other employees during their official duty hours; (This is based on the *Code of Ethics*, Subpart B sections 2(c) (7) and (8) and Executive Order 11222 section 204.)

(9) Outside employment or other activities which tend to impair the employee's mental or physical capacities to perform Commission duties and responsibilities in an acceptable manner; or (This is taken from the *Code of Ethics*, Subpart B section 2(c)(9) and 5 CFR 735.203(a)(2).)

(10) Use of information obtained as a result of Government employment which is not freely available to the general public or would not be made available upon request. However, written authorization for the use of any such information may be given when the Commission determines that such use would be in the public interest. (This is taken from the *Code of Ethics*, Subpart B section 2(c)(10), 5 CFR 735.203(c) and Executive Order 11222, section 205.)

(c) ►An employee shall not receive any salary or anything of monetary value from a private source as compensation for his or her services to the Government in violation of 18 U.S.C. 209.◄ (This is taken from 5 CFR 735.203(b).)

(d) ►Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222, or this Part. However, an employee shall not, either for or without compensation, engage in teaching or writing that is dependent on information obtained as a result of his or her Commission employment, except when that information has been made available to the general public or will be made available on request, or when the Commission gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.◄ (This is taken in part from the *Code of ethics*, Subpart B (section 3(b)(2)(A) and 5 CFR 735.203(c).)

(e) ►This section does not preclude an individual from participation in the affairs of or acceptance of an award for meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service or civic organization.◄ (This is based on the *Code of Ethics*, Subpart B section 2(b)(2)(B) and 5 CFR 735.203(e).)

(f) ►An employee of the Office of General Counsel who intends to engage in outside employment shall obtain the approval of the General Counsel prior to review and approval by the Ethics Officer. All other employees who intend to engage in outside employment shall obtain the approval of the Staff Director prior to review and approval by the Ethics Officer. The request shall include the name of the person, group, or organization for whom the work is to be performed, the nature of the services to be rendered, the proposed hours of work, or approximate dates of employment, and the employee's certification as to whether the outside employment (including teaching, writing or lecturing) will depend in any way on information obtained as a result of the employee's official Government position. The employee will receive notice of approval or disapproval of any written request in accordance with Article 31 of the Labor Management Agreement between the Commission and the National Treasury Employees Union. A record of the approval shall be placed in each employee's official personnel folder.◄ (This based primarily on the *Code of Ethics*, Subpart B section 2(b)(1) but sets out specific procedures by which an employee may obtain approval for outside employment. This subsection would require the employee to obtain approval of outside employment from the Ethics Officer rather than the Staff Director as set forth in the *Code of Ethics.)*

§ 7.10 Financial interests.

(a)(1) A Commissioner or employee shall not engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his or her Commission employment; (This is based on Executive Order 11222, section 203(b) and the *Code of Ethics*, Subpart B section 3(a).)

(2) A Commissioner or employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Commission duties and responsibilities, except in cases where the employees makes full disclosure, and the employee disqualifies himself from participating in any decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding of the Commission in which the financial interest is or appears to be affected. (This is based on Executive Order 11222, section 203(a) and the *Code of Ethics*, Subpart B section 3(b).)

(3) A Commissioner or employee should disqualify himself or herself from a proceeding in which his or her impartiality might reasonably be questioned where the Commissioner or employee knows that he or she, or his or her spouse, has an interest in the subject matter in controversy or is a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding. (This is based on the *Code of Ethics*, Subpart B section 3(c).)

(b) ►This section does not preclude a Commissioner or employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government provided that the activity is not prohibited by law, Executive Order 11222, or Commission regulations.◄ (This subsection is based primarily on 5 CFR 735.204(b) and Executive Order 11222, section 203(b).)

§ 7.11 Political and organization activity.

(a) ►Due to the Federal Election Commission's role in the political process, the following restrictions on political activities are required in addition to those imposed by the Hatch Act (5 U.S.C. 7324 *et. seq.*).◄:

(1) No Commissioner or employee should publicly support a candidate, political party, or political committee subject to the jurisdiction of the Commission. No Commissioner or employee should work for a candidate, political party or political committee subject to the jurisdiction of the Commission. Commission and employees should be aware that contributing to candidates, political parties, or political committees subject to the jurisdiction of the Commission is likely to result in a conflict of interest. (This is based on the *Code of Ethics*, Subpart B section 6(a)(1).)

(2) No Commissioner or employee shall display partisan buttons, badges or other insignia on Commission premises. (This is taken from the *Code of Ethics*, Subpart B section 6(a)(2).)

(b) Special Government employees are subject to the restrictions contained in this section for the entire 24 hours of any day on which the employee is on active duty status. (This subsection is taken from the *Code of Ethics*, Subpart B section 6(b).)

(c) Employees on leave, leave without pay, or on furlough or terminal leave, even though the employees' resignations have been accepted, are subject to the restrictions of this section. A separated employee who has received a lump-sum payment for annual leave, however, is not subject to the restrictions during the period covered by the lump-sum payment or thereafter, provided he or she does not return to Federal employment during that period. An employee is not permitted to take a leave of absence to work with a political candidate, committee, or organization or become a candidate for office despite any understanding that he or she will resign his or her position if nominated or elected. (This is taken from the *Code of Ethics*, Subpart B section 6(c).)

(d) An employee is accountable for political activity by another person acting as his or her agent or under the employee's direction or control if the employee is thus accomplishing what he or she may not lawfully do directly and openly. (This is taken from the *Code of Ethics*, Subpart B section 6(d).)

§ 7.12 Membership in associations.

Commissioners or employees who are members of nongovernmental associations or organizations that are incompatible with their official governmental positions. (This is taken from the *Code of Ethics*, Subpart D section 2.)

§ 7.13 Use of Government property.

A Commissioner or employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him or her. (This is based on the *Code of Ethics*, Subpart B section 2(c)(8), 5 CFR 735.205, and Executive Order 11222, section 204.)

§ 7.14 Prohibition against making complaints and investigations public.

(a) Commission employees are warned that they are subject to criminal penalties if they discuss or otherwise make public any matters pertaining to a complaint or investigation under 2 U.S.C. 437g, without the written permission of the person complained against or being investigated. Such communications are prohibited by 2 U.S.C. 437g(a)(12)(A).

(b) 2 U.S.C. 437g(a)(12)(B) provides as follows: "Any member or employee of the Commission or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates this subsection shall be fined not more than $5,000." (This section is taken from the *Code of Ethics*, Subpart B section 7. The final line of this subsection in the *Code of Ethics*, has been deleted.)

§ 7.15 Ex parte communications.

In order to avoid the possibility of prejudice, real or apparent, to the public interest in enforcement actions pending before the Commission pursuant to 2 U.S.C. 437g(a) (1) or (2):

(a) Except to the extent required for the disposition of ex parte matters as required by law (as, for example, during the normal course of an investigation or a conciliation effort), no Commissioner or employee involved in the decisional process shall make or entertain any ex parte communications.

(b) The prohibition of this section shall apply from the time a complaint is filed with the Commission pursuant to 2 U.S.C. 437g(a)(1) or from the time that the Commission determines on the basis of information ascertained in the normal course of its supervisory responsibilities that it has reason to believe that a violation has occurred or may occur pursuant to 2 U.S.C. 437g(a)(2), and shall remain in force until the Commission has concluded all action with respect to the enforcement matter in question.

(c) Any written communication prohibited by paragraph (a) of this section shall be delivered to the ►Ethics Officer◄ of the Commission who shall place the communication in the file of the case.

(d) A Commissioner or employee, other than the employee assigned to the case, involved in handling enforcement actions who receives an oral offer or any communication concerning any enforcement action pending before the Commission as described in paragraph (a) of this section shall decline to listen to such communication. If unsuccessful in preventing the communication, the Commissioner or employee shall advise the person making the communication that he or she will not consider the communication and shall prepare a statement setting forth the substance and circumstances of the communication within 48 hours of receipt of the communication and shall deliver the statement to the ►Ethics Officer◄ for placing in the file in the manner set forth in paragraph (c) of this section. (This section is taken from the *Code of Ethics*, Subpart B section 8. In this section, references to the Staff Director have been replaced by "Ethics Officer."

§ 7.16 Miscellaneous statutory provisions.

Each employee shall acquaint himself or herself with each statute that relates to his or her ethical and other conduct as an employee of the Commission and of the Government. In particular, the attention of employees is directed to the following statutory provisions:

(a) Chapter II of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned. (This is included in the *Code of Ethics*, Subpart B section 10(a) and 5 CFR 735.210(b).)

(b) The prohibition of 18 U.S.C. 1913 against lobbying with appropriated funds. (This is included in the *Code of Ethics*, Subpart B section 10(b) and 5 CFR 735.210(c).)

(c) The prohibitions of 5 U.S.C. 7311 and 18 U.S.C. 1918 against disloyalty and striking. (This is included in the *Code of Ethics*, Subpart B section 10(c) and 5 CFR 735.210(d).)

(d) ►The prohibition of 50 U.S.C. 784 against the employment of a member of a Communist organization.◄ (This is included in 5 CFR 735.210(e).)

(e) The prohibitions against (1) the disclosure of classified information under 18 U.S.C. 798 and 50 U.S.C. 782 and (2) the disclosure of confidential business information under 18 U.S.C. 1905. (This is included in the *Code of Ethics*, Subpart B section 10(d) and 5 CFR 735.210(f).)

(f) The provisions of 5 U.S.C. 7352 relating to the habitual use of intoxicants to excess. (This is included in the *Code of Ethics*, Subpart B section 10(e) and 5 CFR 735.210(g).)

(g) The prohibition of 31 U.S.C. 638a(c) against the misuse of a Government vehicle. (This is included in the *Code of Ethics*, Subpart B section 10(f) and 5 CFR 735.210(h).)

(h) The prohibition of 18 U.S.C. 1719 against the misuse of the franking privilege. (This is included in the *Code of Ethics*, Subpart B section 10(g) and 5 CFR 735.210(i).)

(i) The prohibition of 18 U.S.C. 1917 against the use of deceit in an examination or personnel action in connection with Government employment. (This is included in the *Code of Ethics*, Subpart B section 10(h) and 5 CFR 735.210(j).)

(j) The prohibition of 18 U.S.C. 1001 against fraud or false statements in a Government matter. (This is included in the *Code of Ethics*, Subpart B section 10(i) and 5 CFR 735.210(k).)

(k) The prohibition of 18 U.S.C. 2071 against multilating or destroying a public record. (This is included in the *Code of Ethics*, Subpart B section 10(j) and 5 CFR 735.210(l).)

(l) The prohibition of 18 U.S.C. 508 against counterfeiting and forging transportation requests. (This is included in the *Code of Ethics*, Subpart B section 10(k) and 5 CFR 735.210(m).)

(m) The prohibitions against (1) embezzlement of Government money or property under 18 U.S.C. 641; (2) failing to account for public money under 18 U.S.C. 643; and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his or her employment under 18 U.S.C. 654. (This is included in the *Code of Ethics*, Subpart B section 10(l) and 5 CFR 735.210(n).)

(n) The prohibition of 18 U.S.C. 285 against unauthorized use of documents relating to claims from or by the Government. (This is included in the *Code of Ethics*, Subpart B section 10(m) and 5 CFR 735.210(o).)

(o) ►The prohibitions against political activities in Subchapter III of chapter 73 of Title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.◄ (This is included in 5 CFR 735.210(p).)

(p) The prohibition of 18 U.S.C. 219 against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act. (This is included in the *Code of Ethics*, Subpart B section 10(n) and 5 CFR 735.210(q).)

(q) The prohibition of 18 U.S.C. 207 against certain activities of departing and former employees. (This is included in the *Code of Ethics*, Subpart B section 10(o) and 11 CFR 7, Subpart E of this proposed Part.)

(r) The prohibition of 18 U.S.C. 208 against certain acts affecting a personal financial interest. (This is included in the *Code of Ethics*, Subpart B section 10(p).)

Subpart C—Conduct and Responsibilities of Special Government Employees

§ 7.17 Use of Commission employment.

A special Commission employee shall not use his or her Commission employment for a purpose that is, or gives the appearance of being, motivated by a desire for unlawful private gain for himself or herself, or for another person, particularly one with whom the employee has family, business or financial ties. (This is taken from the *Code of Ethics*, Subpart C section 1, 5 CFR 735.302 and Executive Order 11222, section 302.)

§ 7.18 Use of inside information.

(a) A special Commission employee shall not use inside information obtained as a result of his or her Commission employment for unlawful private gain for himself or herself, or for another person, either by direct action on the employee's part of by counsel, recommendation, or suggestion to another person, particularly one with whom the employee has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Commission authority which has not become part of the body of public information. (This is taken from the *Code of Ethics*, Subpart C section 2(a), 5 CFR 735.303(a) and Executive Order 11222, section 303.)

(b) A special Commission employee may teach, lecture, or write in a manner consistent with 11 CFR 7.9 (d) and (e). (This is taken from the *Code of Ethics*, Subpart C section 2(b), and 5 CFR 735.303(b).)

§ 7.19 Coercion

A special Commission employee shall not use his or her Commission employment to coerce, or give the appearance of coercing, a person to provide unlawful financial benefit to himself or herself or to another person, particularly one with whom the employee has family, business or financial ties. (This is taken from the *Code of Ethics*, Subpart C section 3, 5 CFR 735.304 and Executive Order 11222, section 304.)

§ 7.20 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Commission employee, while so employed or in connection with his or her employment, shall not receive or solicit from a person having business with the Commission anything of value such as a gift, gratuity, loan, entertainment, or favor for himself or herself, or for another person, particularly one with whom the employee has family, business, or financial ties. (This is taken from the *Code of Ethics*, Subpart C section 4(a), 5 CFR 735.305(a) and Executive Order 11222, section 305.)

§ 7.21 Miscellaneous statutory provisions.

Each special Commission employee shall acquaint himself or herself with each statute that relates to his or her ethical or other conduct as a special Commission employee. Particular attention should be directed to the statutory provisions listed in 11 CFR 7.16. (This is taken from the *Code of Ethics*, Subpart C section 5 and 5 CFR 735.306.)

(The following subpart contains those post-employment procedures approved by the Commission on February 8, 1980. All changes are noted.)

Subpart D—Post Employment Conflict of Interest: Procedures for Administrative Enforcement Proceedings

§ 7.22 Scope.

The following are procedures to be followed by the Federal Election Commission in investigating and administratively correcting violations of the post employment conflict of interest provisions contained in 18 U.S.C. 207 (a), (b), and (c), ►which restrict activities of former employees and their partners which might give the appearance of undue benefit based on prior Commission employment and affiliation.◄ (The addition to this section is an explanation of the provisions cited. The definitions, originally included in the first section of those procedures approved on February 8, 1980, have been combined with those for the entire Part in § 7.2.)

§ 7.23 Initiation of investigation.

(a) *Filing of complaint.* (1) Any person who believes a former employee has violated the post employment conflict of interest provisions of 18 U.S.C. 207 (a), (b), or (c), 5 CFR Part 737, or ►11 CFR Part 7◄ may file a signed complaint with the Ethics Officer.

(2) The Ethics Officer, within five days after receipt of the complaint, shall send a copy of the complaint by certified mail to the former employee named in the complaint. The former employee may, within ten days after receipt of the complaint, submit any written legal or factual materials he or she believes demonstrate that the complaint should be dismissed ►on its face.◄

(b) *Review of complaint.* (1) The Ethics Officer will review the complaint and any materials submitted by the former employee, and will prepare a report to the Commission recommending whether the complaint should be investigated or should be dismissed ►on its face.◄

(2) If the Commission, by an affirmative vote of four members, finds that the complaint appears to be substantiated it may order an investigation of the allegations made in the complaint. (This is based in part on 5 CFR 737.27(a)(2)(ii).)

(i) Except as may be required to coordinate with the Department of Justice under 11 CFR 7.23(b)(2)(iii) any investigation conducted under this section shall be kept confidential until such time as the Commission has determined whether there is reasonable cause to believe a violation has occurred. (This is based on 5 CFR 737.27(a)(2)(ii).)

(ii) The Ethics Officer shall notify the Director of the Office of Government Ethics and the Criminal Division of the Department of Justice of the Commission's finding ►that the complaint has merit. The notification shall contain a copy of the complaint, any materials submitted by the former employee, the Ethics Officer's report, and the certification of the Commission's action. (This is based on 5 CFR 737.27(a)(2)(i).)◄

(iii) The Commission will coordinate any investigation or administrative action with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice notifies the Commission that it does not intend to initiate criminal proceedings. (This is based on 5 CFR 737.27(a)(i).)

(3) If the Commission finds the complaint to be unfounded, no investigation will be conducted and both the complainant and the former employee will be notified by the Ethics Officer of the Commission's finding.

§ 7.24 Conduct of preliminary investigation.

(a) *Ethics Officer's responsibility.* Upon a finding under 11 CFR 7.23(b)(2) that a complaint ►appears to be◄ substantiated, the Ethics Officer shall conduct an investigation into the allegations of the complaint. (This is based on 5 CFR 737.27(a)(2).)

(b) *Opportunity to respond.* The former employee will be sent a copy of the Ethics Officer's report and will be given an opportunity to respond in writing and under oath to the allegations made in the complaint and the findings made in the report. The former employee may provide any written legal or factual materials he or she believes demonstrate that no violation has occurred. Such response must be received by the Commission within 20 days after the former employee's receipt of the complaint and report, unless an extension is authorized in writing by the Ethics Officer. (This is based on 5 CFR 737.27(a)(3).

(c) *Representation by counsel.* The former employee may be represented by counsel during the investigation. Such counsel shall notify the Ethics Officer in writing that he or she is representing the former employee. Thereafter, all communications between the Commission staff and the former employee relating to the investigation shall be made to the former employee's counsel. (This is taken from 5 CFR 737.27(a)(6)(i).)

(d) *Report to the Commission.* Upon completion of the investigation, the Ethics Officer shall prepare a report to the Commission, including any materials provided by the former employee. The report shall recommend whether there is reasonable cause to believe the respondent has violated 18 U.S.C. 207 (a), (b), or (c) or ►11 CFR Part 7.◄ (This is taken from 5 CFR 737.27(a)(8). The cite to 5 CFR Part 737 has been deleted.)

§ 7.25 Initiation of administrative disciplinary proceeding.

(a) *Commission review of report.* The Commission shall review the Ethics Officer's investigation report in Executive Session.

(b) *Reasonable cause to believe finding.* If the Commission, by an affirmative vote of four members, determines there is reasonable cause to believe a violation has occurred, it shall initiate an administrative disciplinary proceeding by providing the former employee with the notice defined in 11 CFR 7.27. (This is based on 5 CFR 737.27(a)(2).)

(c) *No reasonable cause to believe finding.* If the Commission ►determines that there is no◄ reasonable cause to believe a violation has occurred, it will close its file on the matter and take no further action. The Commission shall notify the Director of the Office of Government Ethics, the Criminal Division of the Department of Justice, the complainant, and the former employee of its determination. Included in this notification will be a statement of reasons for the Commission's determination.

§ 7.26 Notice to former employee.

(a) *Notice requirement.* ►After a reasonable cause to believe finding◄ the Ethics Officer shall provide the former Commission employee with adequate notice of an intention to institute a disciplinary proceeding and an opportunity ►to request◄ a hearing. (This is based on 5 CFR 737.27(a)(3).)

(b) *Contents.* The notice required under this section shall contain:

(1) A statement of the allegations (and the basis thereof);

(A portion of this subsection was deleted.)

(2) Notification of the right to ►request◄ a hearing;

(3) An explanation of the method by which a hearing may be requested as set forth at 11 CFR 7.27(c); and

(4) A copy of the ►post-employment regulations.◄ (This subsection is based on 5 CFR 737.27(a)(3)(ii).)

(c) *Request for hearing.* (1) A former employee who has received a notice under this section must notify the Commission within ten days after receipt of such notice ►by certified mail◄ of his or her desire for a hearing. The request for a hearing should include the following information:

(i) The former employee's daytime telephone number;

(ii) The name, address, and telephone number of the former employee's counsel, if he or she intends to be represented by counsel; and

(iii) At least three dates,[————], and times at which the former employee will be available for a hearing. (This is taken from 5 CFR 737.27(a)(5). "Places" has been deleted.)

(2) ►If a written request from the former employee is not received by the Ethics Officer within the stated time period, the right to a hearing shall be waived and the examiner (*See* 11 CFR 7.28) shall consider the evidence and make a decision.◄

§ 7.27 Hearing examiner designation and qualifications.

(a) *Designation.* A former employee ►may request◄ that the Commission hold a hearing under 11 CFR 7.27. ►If the Commission decides by an affirmative vote of four of its members to hold a hearing,◄ the Ethics Officer shall designate an individual to serve as examiner at the administrative disciplinary hearing. The individual designated as examiner shall have the qualifications set forth in paragraph (b) of this section. (This subsection is based on 5 CFR 737(a)(4)(i).)

(b) *Qualifications.* (1) An examiner shall be impartial. No individual who has participated in any manner in the decision to initiate the proceeding may serve as an examiner in those proceedings. Therefore, the following persons may not be designated as an examiner:

(i) A Commissioner,

(ii) The Ethics Officer, or

(iii) Any Commission employee who has participated in the preliminary investigation of the complaint.

(2) The examiner shall be an attorney at the Assistant General Counsel level or higher. (This subsection is based on 5 CFR 737.27(a)(4).)

§ 7.28 Hearing date.

(1) *Setting of date by examiner.* The examiner shall set the hearing at a reasonable time, date, and place. (This subsection is based on 5 CFR 737.27(a)(5)(i).)

(b) *Considerations.* Wherever practicable, the examiner shall choose a time and date from the list submitted by the former employee in the request for a hearing. In setting a hearing date, the examiner shall give due regard to the former employee's need for:

(1) Adequate time to prepare a defense properly, and

(2) An expeditious resolution of allegations that may be damaging to his or her reputation. (This subsection is based on 5 CFR 737.27(a)(5)(ii).)

§7.29 Hearing rights of former employee.

A hearing conducted under these procedures shall afford the former employee the following rights:

(a) To represent oneself or to be represented by counsel,

(b) To introduce and examine witnesses and to submit physical evidence,

(c) To confront and cross-examine adverse witnesses,

(d) To Present oral argument, and

(e) To request a transcript of the recording of proceedings. ►The requester will be charged according to the fee schedule set out at 11 CFR 5.6.◄ (This section is based on 5 CFR 737.27(a)(6).)

§7.30 Hearing procedures.

(a) *Witness lists.* (1) No later than 10 days prior to the hearing date, the Ethics

Officer will provide the former employee with a list of the witnesses the Commission intends to introduce. The list shall include the name and position of each witness and the aspects of the allegation upon which the witness is expected to testify. If no witnesses are to be called, the former employee shall be so notified.

(2) No later than 5 days prior to the hearing date, the former employee shall provide the Ethics Officer with a list of witnesses he or she intends to introduce. The list shall include the name and position of each witness and the aspect of the allegation upon which the witness is expected to testify. If no witnesses are to be called, the Ethics Officer shall be so notified.

(3) Copies of the witness lists shall be given to the examiner by the Ethics Officer.

(b) *Representation.*

(1) The Commission shall be represented at the hearing by the Ethics Officer or his or her designee.

(2) The former employee may represent himself or herself or may be represented by counsel.

(c) *Burden of proof.* The burden of proof shall be on the Commission which must establish substantial evidence of a violation. (This is based on 5 CFR 737.27(a)(7).)

(d) *Conduct of hearing.*

(1) The following items will be introduced by the Commission and will be made part of the hearing record:

(i) The complaint;

(ii) The notification sent to the former employee under 11 CFR 7.27;

(iii) The former employee's response to the notification; and

(iv) If the Commission so chooses, a brief or memorandum of law.

(2) The former employee will then be given an opportunity to submit a brief or memorandum of law to be included in the hearing record.

(3) The Commission shall introduce its witnesses and evidence first. At the close of the Commission's examination of each witness, the former employee will be given an opportunity to cross-examine the witness.

(4) The former employee will present his or her witnesses and evidence at the close of the Commission's presentation. At the close of the former employee's examination of each witness, the Commission shall be given an opportunity to cross-examine each witness.

(5) After the former employee has completed his or her presentation, both parties will be given an opportunity for oral argument with the Commission making its arguments first. ►Time shall be offered during the oral argument for Commission rebuttal.◄

(6) Decisions as to the admissibility of evidence or testimony shall be made under the Federal Rules of Evidence.

§ 7.31 Examiner's decision.

(a) *Initial determination.* No later than 15 days after the close of the hearing, the examiner shall make a determination exclusively on matters of record in the proceeding.

(b) *Form of determination.* The examiner's determination shall set forth all findings of fact and conclusions of law relevant to the matters at issue. (This is taken from 5 CFR 737.27(a)(8)(i).)

(c) *Copies.* The examiner shall provide copies of his or her determination to the former employee, the Ethics Officer, and the Commission.

§ 7.32 Appeal.

(a) *Right of appeal.* Within ten days after receipt ►by certified mail◄ of the examiner's decision, either party may appeal such decision to the members of the Commission by filing a notice of appeal with the Chairman. (This is based on 5 CFR 737.27(a)(8)(ii).)

(b) *Notice of appeal.* The notice of appeal shall be accompanied by a memorandum setting forth the legal and factual reasons why the examiner's decision should be reversed or modified.

(c) *Commission review of appeal.* The Commission, by an affirmative vote of four members, may affirm, modify, or reverse the examiner's decision. The Commission's decision shall be based solely on the hearing record or those portions thereof cited by the parties to limit the issues. (This is based in part on 5 CFR 737.27(a)(8)(ii).)

(d) *Commission statement on appeal.* If the Commission modifies or reverses the initial decision, it shall specify such findings of fact or conclusions of law as are different from those of the examiner. (This is based in part on 5 CFR 737.27(a)(8)(iii).)

§ 7.33 Administrative sanctions.

The Commission may take appropriate disciplinary action in the case of any individual who is found in violation of 18 U.S.C. 207 (a), (b), or (c) or 11 CFR Part 7 after a final administrative hearing, or ►in the absence of a hearing◄ after adequate notice such as by:

(a) Prohibiting the individual from making, on behalf of any person (except the United States), any formal or informal appearance before, or, with the intent ot influence, any oral or written communication to ►the Commission◄ on any matter of business for a period not to exceed five years, which may be accomplished by directing agency employees to refuse to participate in any such appearance or to accept any such communication;

(b) Issuing a letter of reprimand;

(c) Issuing a letter of admonishment;

(d) Prohibiting a former employee from making formal or informal appearances or communications in connection with a particular matter or on behalf of a particular party.

(e) ►Taking other appropriate disciplinary action.◄ (This section is based on 5CFR 737.27(9).) The subsection referring to "judicial review" in the *Code of Ethics* would not be included.)

Dated: October 15, 1985.

John Warren McGarry,

Chairman.

[FR Doc. 85-24906 Filed 10-18-85; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-95-AD]

Airworthiness Directives: Avions Marcel Dassault-Breguet (AMD) Aviation Mystere Falcon 50 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection, replacement if necessary, and modification to the pressure fueling system on all AMD Mystere-Falcon 50 airplanes. This action is prompted by reports of fuel leaks and is necessary to detect and prevent leaks in the system, thus removing a potential fire hazard.

DATES: Comments must be received on or before December 9, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-95-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the AMD-BA Representative, 40 FJC, Teterboro Airport, New Jersey 07608. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway

South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-95-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The French Direction Generale de l'Aviation Civile (DGAC) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on AMD Mystere Falcon 50 airplanes. There has been one reported case of fuel found on the rear fuselage at the environmental control unit/auxiliary power unit (ECU/APU) air intake. This fuel came from a damaged pressure fueling connector valve guide stem. To detect existing damaged valve stems and prevent additional leaks, the DGAC, by means of airworthiness directive 30-10-3B, dated January 12, 1983, required compliance with AMD Service Bulletin F50-28-011(137) which describes an inspection for leaks and a modification of the system to incorporate a stronger valve stem.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require compliance with the previously mentioned service bulletin.

It is estimated that 107 U.S. registered airplanes would be affected by this AD, that it would take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Repair parts are estimated at $85 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $21,935.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, AMD Mystere Falcon 50 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the folowing new airworthiness directive:

Avions Marcel Dassault-Breguet Aviation (AMD): Applies to all AMD Mystere Falcon 50 airplanes certificated in any category. Compliance is required as noted below. To detect and prevent leaks in the refueling system, accomplish the following:

A. Within the next 30 days after the effective date of this AD, unless accomplished within the last 30 days, and thereafter at intervals not to exceed 30 days, perform an inspection of the guide rod in the refueling connector for damage, in accordance with AMD Service Bulletin F50-28-11(137), dated December 30, 1982. Replace any damaged or leaking guide rod with a serviceable unit prior to further flight.

Note.—After each refueling under pressure, a visual leak check should be performed.

B. Within 6 months after the effective date of this AD, modify the refueling connector by installing a steel guide rod, in accordance with AMD Service Bulletin F50-28-11(137), unless previously accomplished. Accomplishment of this modification provides terminating action for the inspections required by paragraph A., above.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the AMD-BA Representative, 40 FJC, Teterboro Airport, New Jersey 07608. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on October 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-24956 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-99-AD]

Airworthiness Directives: Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require periodic inspections of the forward lavatory drain system and corrective action, if necessary, on all Boeing Model 727 airplanes. On those airplanes equipped with Monogram lavatory systems, a one-time inspection of the in-tank valve would be required

to determine if it has been modified to an improved configuration. Lack of this modification would alter the inspection interval on Monogram-equipped airplanes. This action is necessary because ice formed by leaking drain systems, when it releases from the airplane, can cause damage to or loss of an engine.

DATES: Comments must be received on or before December 9, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–99–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable Service Letter may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCracken, Systems and Equipment Branch, ANM–130S; telephone (206) 431–2947. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–99–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

Damage to airplanes in flight and structures on the ground has been traced to "blue ice" dislodging from airplanes. This ice is composed of lavatory waste water which leaks, in most cases, from the lavatory drain systems, and freezes on the outside of the airplane. When the ice breaks loose, it can impact the airplane itself or damage buildings on the ground. Ice formed from leakage of the forward lavatory drain system on Boeing Model 727 airplanes has damaged the number 3 engine. In two cases, the most recent of which occurred in April 1985, the loads created by the ice being ingested into the engine have resulted in the engine/nacelle being physically torn loose from the airplane.

The drain system utilized in the Model 727 forward lavatory is composed of two separate valves. The first is an in-tank valve (flush valve) which is spring-loaded closed, and is opened by the ground serviceman pulling a T-handle in the lavatory ground service panel. The second valve, called the drain valve, is located at the ground service panel, and is intended to retain any leakage from the in-tank valve within the drain line from the lavatory tank. This valve is fully opened after the ground service cart is attached to the drain valve for servicing. Both the flush valve and the drain valve are subject to leakage. Airplanes equipped with Monogram lavatory systems have a flush valve which has been prone to failure of a bonded joint inside the valve assembly. Monogram has issued a service letter and provided a kit which, when incorporated, greatly improves the integrity of the bonded joint. Without this modification, leaks are more likely to occur. These leaks are not readily detected on the ground unless a leak check is performed with the airplane pressurized.

Since these conditions may exist or develop on all Model 727 airplanes, an airworthiness directive is proposed which would require one-time inspection of airplanes equipped with Monogram lavatory systems. In addition, periodic forward lavatory drain system leak checks would be required on all Model 727 airplanes to ensure the integrity of both the in-tank flush valves and the drain valves.

It is estimated that 1,200 airplanes of U.S. registry would be affected by this AD. Of this number, approximately 400 airplanes are equipped with Monogram lavatory assemblies. The costs associated with the requirements of this proposed AD are as follows:

—All 1,200 airplanes affected would require an annual leak check, which takes 4 manhours per airplane to accomplish, at an average labor charge of $40 per manhour. The total annual (recurring) cost of this check to U.S. operators would be $192,000.

—If the 400 airplanes equipped with Monogram lavatory assemblies have not been modified, an initial flush value inspection would be required. This inspection takes approximately 2.5 manhours to accomplish, at an average labor charge of $40 per manhour. The one-time total cost to U.S. operators would be $40,000.

—The 400 unmodified airplanes would also require a leak check at 60-day intervals until modification has been accomplished. Assuming that the average number of leak checks performed before modification is 6, and that it would take approximately 4 manhours to accomplish each leak check, at an average labor charge of $40 per manhour, the total cost of these checks to U.S. operators would be $384,000.

Based on these figures, the total cost impact of the inspections required by the proposed AD on U.S. operators would be $552,000 for the first year, and $192,000 for each year thereafter.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 727 Series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Regulation proposes to amend § 39.13 of Part 39 of

the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Boeing: Applies to all Boeing Model 727 airplanes, certificated in any category. To assure the integrity of the forward lavatory drain system, accomplish the following, unless already accomplished:

A. For airplanes with Monogram lavatory system, within 60 days after the effective date of this AD, inspect the lavatory flush valve in the forward lavatory and determine whether the modification described in Monogram Service Letter 16000-SL-01, dated October 3, 1979, has been incorporated. If it has, perform a leak check of the forward lavatory drain system (both the flush valve and the drain valve) with the airplane pressurized. Repeat these leak checks at intervals not to exceed one year.

B. For Monogram-equipped airplanes where the procedures described in Monogram Service Letter 16000-SL-01, dated October 3, 1979, have not been accomplished, perform a leak check of the forward lavatory drain system (both the flush valve and the drain valve) with the airplane pressurized. Repeat these checks at intervals not to exceed 60 days. Once the procedures described in this service letter are incorporated, perform the leak check at intervals not to exceed one year.

C. For airplanes with other than Monogram lavatory systems, within 60 days after the effective date of this AD, perform a leak check of the forward lavatory drain system (both valves) with the airplane pressurized. Repeat these leak checks at intervals not to exceed one year.

D. If leaks are discovered during any leak check, either repair the leak before further flight or drain the lavatory system and placard the lavatory inoperative until repairs can be accomplished.

E. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the above specified service letter from the manufacturer may obtain copies upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. It may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on October 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region

[FR Doc. 85-24957 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-91-AD]

Airworthiness Directives: Boeing Model 747 Series Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection of the forward lug of the inboard pylon upper link for cracks on certain Boeing Model 747 airplanes, and repair or replacement, as necessary. The proposed AD is prompted by recent reports of failure of the forward lug end of the upper link. This condition, if not corrected, could result in separation of an engine from the airplane.

DATE: Comments must be received on or before December 9, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-91-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. It may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-91-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Recent inspections have revealed cracking of the forward lug of an inboard pylon upper link. Three operators have reported finding a cracked forward lug of an inboard pylon upper link on Pratt and Whitney JT9D-7-powered airplanes. The cracking was determined to be the result of fatigure cracking initiating at a fretting mark in the bore surface of the lug. Failure of the forward lug of a pylon upper link could result in separation of the engine from the airplane. Airplanes powered with General Electric CF6 engines also have this same upper link design and would be susceptible to similar failures.

Boeing has issued Service Bulletin 747-54-2111, which defines specific inspection procedures to be used to check for cracks in the foward lug of the inboard pylon upper link on certain Boeing Model 747 series airplanes.

Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is proposed that would require inspection, repair, and/or replacement, as necessary, of the forward lug of the inboard pylon upper link of certain Boeing Model 747 series airplanes.

It is estimated that 166 airplanes of U.S. registry would be affected by this AD, that it would take approximately 12 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is

estimated to be $79,680 for the initial inspection cycle.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 747 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85.

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, listed in Boeing Service Bulletin 747-54-2111, dated August 2, 1985, certificated in any category. To prevent failure of the forward lug of an inboard pylon upper link, accomplish the following, unless already accomplished.

A. Within the next 750 landings after the effective date of this AD or prior to the accumulation of 8,000 landings, whichever is later, perform a close visual or ultrasonic inspection of the forward lug of the inboard pylon upper link for cracks in accordance with Boeing Service Bulletin 747-54-2111, dated August 2, 1985, or later FAA-approved revision.

Note.—Definition of "close visual (detailed) inspection method": Close intensive visual inspections of highly defined structural details or locations, searching for evidence of structural irregularity. Using adequate lighting and, where necessary, inspection aids, such as mirrors, etc., surface cleaning and access procedures may be required to gain proximity.

B. Cracked parts must be replaced or modified prior to further flight. The part may be modified, if cracking is within rework limits, by the installation of bushings of a new design in accordance with Boeing Service Bulletin 747-54-2111, dated August 2, 1985, or later FAA-approved revision.

C. If no cracks are found, perform repetitive inspections, as described in paragraph A., above, at the following intervals:

1. If the immediately prior inspection was a close visual inspection, re-inspect at an interval not to exceed 750 landings.

2. If the immediately prior inspection was an ultrasonic inspection, re-inspect at an interval not to exceed 1,500 landings.

D. Installation of inboard pylon upper links that have been modified in accordance with Boeing Service Bulletin 747-54-2111, dated August 2, 1985, or later FAA-approved revision, is considered to be terminating action for the requirements of this AD.

Note.—Compliance with this AD does not terminate the inspection requirements of the Supplemental Structural Inspection Document (SSID), Airworthiness Directive 84-21-02 (Amdt. No. 39-4936; 49 FR 44890), if applicable.

E. Upon the request of an operator, an FAA Principal Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of that operator, if the request contains substantiating data to justify the change for that operator.

F. Alternate means of compliance which provide an acceptable level safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box, Seattle, Washington 98124-2207.

These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on October 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-24960 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-98-AD]

Airworthiness Directives: Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require modification of the counterbalance gearbox assembly on certain Boeing Model 767 entry/service doors. This action is prompted by reports of gearbox failure which could prevent the door from opening when required for emergency evacuation.

DATES: Comments must be received on or before December 9, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-98-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Aerospace Engineer, Airframe Branch, ANM-120S; telephone (206) 431-2931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–98–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

Service reports have indicated that eight counterbalance gearbox assemblies were removed and replaced because they were jammed and thus prohibited proper operation of the entry/service door. Four additional counterbalance gearbox assemblies were removed and replaced because of an unusual noise discernable during entry/service door operation. Disassembly of the eight jammed gearbox assemblies revealed that seven of these had a broken brake shoe support arm and one had a disconnected brake shoe return spring. These loose parts produced interference between the ring gear and planet gear, thus preventing rotation of the cable drum and resulting in dysfunction of the counterbalance system. Disassembly of the four unusually noisy gearbox assemblies revealed either a broken or damaged brake shoe support arm, or damaged brake shoes. The unusual noise was attributed to loose parts and impacts between the brake shoes and planet gear carrier. Since a situation exists where jamming of the counterbalance gearbox assembly could contribute to the dysfunction of the counterbalance system, resulting in the entry/service door becoming inoperative during an emergency evacuation, an AD is proposed to require modification of Model 767 counterbalance gearbox assemblies by replacing the existing brake shoe return springs with stiffer springs and replacing the existing brake shoe support arm with a thicker support arm assembly in accordance with Boeing Service Bulletin Number 767–52–0029, dated August 2, 1985.

Part kits (one kit per airplane) will become available beginning October 1, 1985, and production of these kits for domestic and foreign operators will be completed by June 15, 1986.

It is estimated that 58 airplanes of U.S. registry would be affected by this AD. Approximately 10 manhours at a cost of $40 per manhour would be required to modify each airplane. Parts will be furnished to U.S. operators at no cost in accordance with Boeing Service Bulletin 767–52–0029. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $23,200.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 767 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation Safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 767 series airplanes, as specified in Boeing Service Bulletin 767–52–0029, dated August 2, 1985, certificated in any category. To assure proper entry/service door operation during emergency evacuation, accomplish the following within six months after the effective date of this AD, unless previously accomplished:

A. Modify the counterbalance gearbox assemblies in accordance with Boeing Service Bulletin 767–52–0029, dated August 2, 1985, or later FAA-approved revisions.

B. An alternate means of compliance which provides an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications reequired by this AD.

All persons affected by this proposal who have not already received copies of the manufacturer's service bulletin may obtain copies upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on October 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–24958 Filed 10–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–NM–92–AD]

Airworthiness Directives: Fokker B.V. Model F28 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require modification of the horizontal stabilizer flight control unit on certain Fokker F28 airplanes. Tests have shown that it is necessary to replace a closed plug with a filter plug to prevent buildup of hydraulic fluid in the clutch. This action is necessary to prevent uncontrolled movement of the horizontal stabilizer.

DATE: Comments must be received on or before December 9, 1985.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–92–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from the Manager of Maintenance and Engineering, Fokker B.V., Product Support, P.O. Box 7600, 11172J Schiphol Oost, the Netherlands. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark E. Baldwin, Standardization Branch, ANM–113; telephone (206) 431–2978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket

number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-92-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Ministerie van Verkeer en Waaterstaat, Rijksluchtvaartdienst (RLD), the Civil Aviation Authority of the Netherlands, has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of a potentially unsafe condition on certain Fokker Model F28 airplanes.

Uncontrolled movement of the horizontal stabilizer can occur if the horizontal stabilizer flight control clutches fail to engage and (1) dual hydraulic failure occurs; or (2) a sticking switch causes unwanted energizing of the electrical circuit. Failure of the clutches to engage can be caused by clutch piston seal leakage into the cavity between hydraulic systems no. 1 and no. 2, increased seal friction, and a build-up of hydraulic pressure in the cavity. The unwanted horizontal stabilizer movement can be prevented by replacing the existing closed plugs in the cavity with filter plugs to vent the cavity and avoid a build-up of hydraulic pressure. Fokker issued Service Bulletin F28/27-161 to recommend replacement of the plugs, and the RLD issued an airworthiness directive May 1, 1935, requiring compliance with the service bulletin.

This airplane model is manufactured in the Netherlands and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require compliance with the previously mentioned service bulletin.

It is estimated that 30 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Parts are estimated at $138 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $6,540.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Fokker Model F28 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(A), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Fokker B.V.: Applies to Model F28 series airplanes as listed in Fokker Service Bulletin F28/27-161, dated May 6, 1985, certificated in any category. Compliance is required within 6 months after the effective date of this AD. To prevent uncontrolled movement of the horizontal stabilizer, accomplish the following, unless previously accomplished:

A. Modify the horizontal stabilizer control unit in accordance with Fokker Service Bulletin F28/27-161 dated May 6, 1985.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, FAA, ANM-113, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

Issued in Seattle, Washington, on October 10, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-24859 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-ASW-29]

Proposed Revision of Transition Area: Walnut Ridge, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the transition area at Walnut Ridge, AR. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Walnut Ridge Regional Airport. This revision is necessary because the Lawrence County Nondirectional Radio Beacon (NDB) is being relocated to a point approximately 5.19 miles north of its present location. Additionally, a review of the existing controlled airspace revealed that it was not adequate for the types and volume of air traffic utilizing the Walnut Ridge Regional and Pocahontas Municipal Airports. This action will result in additional controlled airspace as necessary to protect the existing and proposed new SIAPs.

DATE: Comments must be received on or before December 5, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 85-ASW-29, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

The informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: David J. Souder, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region,

Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877–2622.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–ASW–29." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, P.O. Box 1689, Fort Worth, TX 76101. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the transition area at Walnut Ridge, Arkansas. This would provide adequate controlled airspace for the protection of aircraft arriving and departing the Walnut Ridge Regional and Pocahontas Municipal Airports. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition area, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.65.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Walnut Ridge, AR [Revised]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Walnut Ridge Regional Airport (latitude 36°07'30" N., longitude 90°55'25" W.); within 3 miles each side of the Walnut Ridge Vortac 240-degree radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the vortac; within 5 miles each side of the 360-degree bearing from the NDB (latitude 36°12'20" N., longitude 90°55'23" W.) extending from the 8.5-mile radius to 12 miles north of the NDB; and within a 6.5-mile radius of the Pocahontas Municipal Airport (latitude 36°14'39" N., longitude 90°56'59" W.).

Issued in Fort Worth, TX, on October 10, 1985.

F.E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 85–24962 Filed 10–18–85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Ch. III

[Docket No. 51062-5162]

Request for Comments on Effects of Foreign Policy-Based Export Controls

AGENCY: Office of Export Administration, Commerce.

ACTION: Notice of request for comments on foreign policy-based export controls.

SUMMARY: The Office of Export Administration (OEA) is reviewing the foreign policy-based export controls in the Export Administration Regulations (15 CFR Parts 368–399) to determine whether they should be modified, rescinded or extended. To help OEA make this determination, OEA is seeking comments on how existing foreign policy-based controls have affected exporters and the general public.

DATE: Comments must be received by December 20, 1985 to assure full consideration in formulation of export control policies.

ADDRESS: Written comments (six copies) should be sent to: Betty Ferrell, Exporter Assistance Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: James Allen, Special Programs Branch, Policy Planning Division, Office of Export Administration, Telephone: (202) 377–5622.

SUPPLEMENTARY INFORMATION:

Generally, the foreign policy controls maintained by the Office of Export Administration relate to the following: Human rights, South Africa and Namibia, Libya, anti-terrorism, chemical warfare, regional stability, embargoed communist countries, oil and gas equipment for the Soviet Union and Afghanistan, and truck manufacturing equipment for the Soviet Kama River and ZIL truck plants.

The licensing policies for these control programs are defined in sections 376 and 385 of the Export Administration Regulations.

Some of these controls are mandated by statute, while some have been enacted administratively.

To assure maximum public participation in the review process, comments on the extension or revision of the existing foreign policy controls are solicited. The following criteria shall be considered in determining whether to

continue or revise U.S. foreign policy export controls:

1. The probability that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls, and inability to achieve the foreign policy purpose through negotiations or other alternative means;

2. The compatibility of the proposed controls with the foreign policy objectives of the United States and with overall United States policy toward the country that is the proposed target of the controls;

3. The likelihood that the reaction of other countries to the imposition or expansion of such export controls by the United States would render the controls ineffective in achieving their purpose or would be counterproductive;

4. The effect of the proposed controls on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on the economic well-being of individual United States companies and their employees and communities, as contrasted to the benefit of the controls to U.S. foreign policy objectives;

5. The ability of the United States to enforce the proposed controls effectively; and

6. The foreign policy consequences of not imposing controls.

The Department is particularly interested in the experience of individual exporters in complying with these controls, with emphasis on economic impact and specific instances of business lost to foreign competitors.

Parties submitting comments are asked to be as specific as possible. However, respondents are reminded that the Department is soliciting only information that may be used publicly. No "confidential business information" will be accepted. Any information so designated will be returned to the commenter.

All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the close of the comment period will be considered if possible, their consideration cannot be assured.

All public comments will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are required. If oral comments are received, they must be followed by written memoranda that will be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not routinely be made available for public inspection.

The public record concerning these comments will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Ch. III

Administrative practice and procedure, Advisory committees, Boycotts, Communist countries, Exports, Imports, Law enforcement, Marketing quotas, Nuclear energy, Penalties, Reportintg requirements, Science and technology, Trade practices.

Authority: Pub. L. 96-72, 3 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

Dated: October 8, 1985.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 85-25128 Filed 10-17-85 4:24 pm]

BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 143

Special Procedures for Clearance of Cargo Carried by Courier or Express Air Delivery Services

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: Customs is considering amending its regulations relating to the informal entry and clearance or merchandise transported by courier and overnight express air delivery services. The proposed amendments would, for the first time, specifically make the informal entry procedures available to these delivery services, and, with the exception of restricted and prohibited merchandise, and merchandise subject to quota or quantitative restraints, would apply to merchandise not exceeding $1,000 in value. Customs proposes to provide expedited clearance procedures in recognition of the special needs of the growing courier and express delivery industry. Customs believes that the proposed amendments will promote uniform, fair, and consistent treatment of the various delivery services, while at the same time ensuring the protection of the revenue in accord with all applicable laws and regulations.

DATE: Comments must be received on or before December 20, 1985.

ADDRESS: Written comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, U.S. Customs Service, Room 2426, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8237).

FOR FURTHER INFORMATION CONTACT: Jerrold O. Worley, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

All imported merchandise entering the customs territory of the U.S. is subject to procedures relating to entry and clearance. The procedures ensure the proper appraisement, valuation, and tariff classification of the merchandise for the purpose of collecting the lawful amount of duties, as well as compliance with all other laws and regulations administered and enforced by the Customs Service. Different procedures are provided for the entry and clearance of merchandise depending upon its value. There are formal entry procedures set forth in Part 141, Customs Regulations (19 CFR Part 141), with certain exceptions applicable to shipments valued in excess of $1,000, and informal entry procedures set forth in Part 143, Customs Regulations (19 CFR Part 143), for the most part limited to shipments valued at $1,000 or less.

Although the procedures for the informal entry of merchandise are less cumbersome and comprehensive than those for formal entry, they may still present an impediment to courier and express delivery services seeking to fulfill overnight delivery obligations.

The most recent development in the express delivery industry is the planned rapid expansion of delivery services from foreign locations to the U.S. These

services fly into various hub cities in the midwest U.S. at which Customs has limited manpower, and at non-traditional business hours (generally between 10:00 p.m. and 3:00 a.m.). The interplay of these factors (the necessity for expeditious clearance of merchandise, and the limited Customs service available at the hub locales at off-peak time periods) necessitates the institution of special procedures applicable only to this industry.

The companies concerned are able to provide Customs with certain useful advance information on incoming international shipments. However, other information necessary for the normal entry process is not always available in advance of arrival, such as the importer number and tariff classification item number from the Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202).

In light of the special needs of the industry and the inability to have access to complete advance information, Customs is proposing to amend Part 143, Customs Regulations (19 CFR Part 143), by setting forth new procedures to apply to these types of delivery services. Specifically, § 143.21 would be amended to state that cargo transported by courier and overnight express air delivery services may use the informal entry procedures. Additionally, a new § 143.29 would set forth the exact procedures applicable to these carriers. The proposed amendment provides that for shipments valued at $250 or less, an invoice or advance manifest must be presented which contains necessary information such as the shipper's address, name and address of the consignee, value and country of origin of the merchandise, and a description of the merchandise, prior to arrival of a shipment. Submission of this information would be permitted as an accommodation to the carriers, and would be submitted in lieu of the normal entry documents (Customs Form 3461, Application for Special Permit for Immediate Delivery; Customs Form 5119, Informal Entry). The proposal would require that for shipments valued over $250 but less than $1,000, the previous information be supplemented by the addition of the appropriate TSUS item number for tariff classification purposes.

Section 321, Tariff Act of 1930, as amended, (19 U.S.C. 1321), provides that in order to avoid expense and inconvenience to the Government which is disproportionate to the amount of revenue that would be collected, the Secretary of the Treasury is authorized to promulgate regulations to waive import duties on shipments valued at $5.00 or less in the country of shipment. Accordingly, § 10.151, Customs Regulations (19 CFR 10.151), provides for the waiver of duty on such shipments, unless the district director has reason to believe that the shipment is one of several lots covered by a single order or contract and that it was sent separately for the express purpose of securing free entry, or of avoiding compliance with any pertinent law or regulation. To expedite the entry and clearance of shipments valued at $5.00 or less, under the proposal the carrier would be required to segregate those shipments from others on the advance manifest, if the manifest is to be used as the entry document. The carrier would also be required to present a properly executed Entry Summary (Customs Form 7501) within 10 days of filing an entry, with estimated duties attached. Finally, the proposal provides that Customs will accept an annual blanket Customs Form 3461, in which the importer of record assumes all liability for shipments released under the new expedited procedures. The blanket form would be required each year before a courier or delivery service could commence operations utilizing the new procedures.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 553), § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Customs Headquarters, Room 2426, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Executive Order 12291

The proposed amendments do not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of § 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that the proposed regulations, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, this regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 143

Customs duties and inspection, Imports.

Proposed Amendments to the Regulations

It is proposed to amend Part 143, Customs Regulations (19 CFR Part 143), as set forth below:

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. The authority citation for Part 143 continues to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1499, 1624.

2. It is proposed to amend § 143.21 by adding, at the end thereof, a new paragraph (l) to read as follows:

§ 143.21 Merchandise eligible for informal entry.

* * * * *

(l) Cargo transported by courier and overnight air express delivery services, with the exception of prohibited and restricted merchandise, and merchandise subject to quota or quantitative restraints (see § 143.29 of this Part).

3. It is proposed to amend Part 143 by adding a new § 143.29, to read as follows:

§ 143.29 Special informal entry procedures for cargo transported by courier and overnight express air delivery services.

This procedure is available for accompanied or air express shipments not exceeding $1,000 in value imported by courier and overnight delivery services, with the exception of prohibited and restricted merchandise, and merchandise subject to quota or quantitiative restraints.

(a) *Shipments valued at $250 or less.* To obtain expedited clearance under this section, the carrier shall submit a copy of the invoice or advance manifest containing necessary information including name and address of the shipper, name and address of the consignee, value of the merchandise, country of origin of the merchandise, and description of the merchandise. The completed invoice or advance manifest will be accepted by Customs in lieu of a

Customs Form 3461 (Application for Special Permit for Immediate Delivery), or Custom Form 5119 (Informal Entry), as the entry control document.

(b) *Shipments valued in excess of $250 and not exceeding $1,000.* In addition to the information required on the documentation specified in paragraph (a) of this section, the appropriate item number from the Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202), must be supplied for classification purposes.

(c) If an advance manifest is used as the entry document, shipments valued in excess of $5.00 must be segregated from those valued at $5.00 or less.

(d) Within 10 days of the filing of the entry, the Entry Summary (Customs Form 7501) must be presented, in proper form, with estimated duties attached.

(e) A Customs Form 3461 (Application for Special Permit for Immediate Delivery), appropriately modified to cover all importations under the special procedures provided in this section for a period of 1-year, shall be submitted to the district director before the procedure shall be commenced by the courier or overnight air express delivery service.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: October 9, 1985.

David D. Queen,

Acting Assistant Secretary of the Treasury.

[FR Doc. 85-25006 Filed 10-18-85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-301A]

Concrete and Masonry Construction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Extension of comment period and correction of proposed rule.

SUMMARY: This document corrects the comment period by extending the comment deadline for a proposed rule on Concrete and Masonry Construction Safety Standards that appeared in the Federal Register on September 16, 1985 [50 FR 37543]. It also adds one issue to the list of issues and corrects errors in the proposal.

DATE: Comments on the proposed rule and requests for a hearing must be postmarked by December 16, 1985.

ADDRESS: Comments, notifications, and requests for a hearing are to be sent in quadruplicate to Docket Officer, Docket No. S-301A, U.S Department of Labor, Room N3670, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION: The following issue is added on page 37550 to the list of issues in the proposed rule.

4(a) OSHA has proposed that forms supporting concrete shall remain in place for the period specified in Table Q-1 or until the concrete has been shown by proper testing to have attained adequate strength. OSHA has listed in Appendix A to the proposal ASTM references for proper testing. The documents specifying the testing methods are:

- Standard Test Method for Compressive strength of Cylindrical Concrete Specimens (ASTM C803-802).
- Standard Test Method of Pentration Resistance of Hardened Concrete (ASTM C803-82).
- Standard Test Method of Pullout Strength of Hardened Concrete (ASTM C900-82).
- Standard Test Method of Compressive Strength of Concrete Cylinders Cast in-Place in Cylindrical Molds (ASTM C873-80).

OSHA would like public comment on the advantages and limitations of each method of testing and on the circumstances under which each should be used.

The following corrections are made in the proposed rule:

1. On page 37543, near the top of column two, under the **"DATES"** caption, the relevant dates are corrected to read "comments on this proposed rulemaking must be postmarked by December 16, 1985. Hearing requests must be postmarked by December 16, 1985."

2. On page, 37544, at the top of column one, in the first two lines, "(FR 5910, February 9, 1982)" is corrected to read "(47 FR 5910, February 9, 1982)."

3. On page 37544, in the middle of column one, in the second new paragraph, line 8, "installation" is corrected to read "purpose."

4. On page 37544, in the middle of column one, in the second new paragraph, line 18, "redi-mix" is corrected to read "ready-mix."

5. On page 37544, in the middle of column three, is the second new paragraph, line 9, ".701(a)" is corrected to read ".702(a)."

6. On page 37544, at the bottom of column three, in the last paragraph, three lines from the bottom, ".701(b)" is corrected to read ".701."

7. On page 37545, at the bottom of column one, under § 1926.700, in the second sentence, eight lines from the bottom, delete the word "precast."

8. On page 37545, near the bottom of column two, under § 1926.701, 19 lines from the bottom, "paragraph (a)" is corrected to read "paragraph .701."

9. On page 37545, in the middle of column three, in the second new paragraph, line 2, "typing" is corrected to read "tying."

10. On page 37546, in the middle of column one, first paragraph under § 1926.703, ".700(d)(1)(ii)" is corrected to read ".700(d)(7)(ii)."

11. On page 37546, at the bottom of column one, in the last paragraph, line 3 ".770(d)(3)" is corrected to read ".700(d)(3)."

12. On page 37546, in the middle of column two, the first sentence in the third paragraph is corrected to read "Paragraph (c)(1) would require that concrete mixers with one yard or larger loading skips be equipped with a mechanical device to clear materials from the skip (loading hopper)."

13. On page 37546, in the middle of column two, the first sentence in the fourth paragraph is corrected to read "Paragraph (c)(2) would require that concrete mixers with one yard or larger loading skips be equipped with guardrails on each side of the skip."

4. On page 37546, in column two, in the fourth paragraph, the last sentence, insert the word "being" between the words "from" and "underneath."

15. On page 37547, in the middle of column one, in the first new paragraph, line 17, insert the word "also" between the words "equipment" and "should."

16. On page 37549, at the bottom of column two, in the last paragraph, "shich" is corrected to read "which."

17. On page 37549, at the bottom of column three, in the last paragraph, "ANSI A109-1970" is corrected to read "ANSI A10.9-1970."

18. On page 37552, in the middle of column two, in the third paragraph, "November 15, 1985" is corrected to read "December 16, 1985."

19. On page 37552, at the bottom of column two, in the last line, "November 15, 1985" is corrected to read "December 16, 1985."

20. On page 37553, near the top of column one, the titles "Subpart Q-Concrete, Concrete Forms and Shoring" are both corrected to read "Subpart Q-Concrete and Masonry Construction."

§ 1926.705 [Corrected]

21. On page 37554, at the bottom of column one, in the last paragraph, line 7,

before the table, "Table 1" is corrected to read "Table Q–1."

22. On page 37554, in the middle of the second column, in the first paragraph after Table "removed" is corrected to read "removal."

§ 1926.706 [Corrected]

23. On page 37554, at the top of column three, in the first line, "ther" is corrected to read "the."

This document was prepared under the direction of Patrick R. Tyson, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Authority: This document is issued under Section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), Section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96, 40 U.S.C. 333), Secretary of Labor's Order No. 9–83 (48 FR 35736), and 29 CFR Part 1911.

Signed at Washington, D.C., this 15th day of October 1985.

Patrick R. Tyson,

Acting Assistant Secretary of Labor.

[FR Doc. 85–24900 Filed 10–18–85; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1258

NARA Fee Schedule; Notice of Proposed Rulemaking

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will revise fees charged by the National Archives and Records Administration (NARA) for reproduction of NARA administrative records, archival records, donated historical materials, and records filed with the Office of the Federal Register. The fees will apply to reproductions made pursuant to routine reference requests, mandatory review requests, FOIA requests, and Privacy Act requests. The fees are changed to reflect the current costs of providing the reproduction services.

DATE: Comments must be received on or before November 20, 1985.

ADDRESS: Comments should be sent to Director, Program Policy and Evaluation Division, National Archives and Records Administration (NAA), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas or Nancy Allard at 202–523–3214 (FTS 523–3214).

SUPPLEMENTARY INFORMATION: This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1258

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend Part 1258 as follows:

PART 1258—FEES

1. The authority citation for Part 1258 is revised to read as follows:

Authority: 44 U.S.C. 2116(c).]

2. Section 1258.2 is amended by revising paragraphs (a) and (c)(3) and removing and reserving paragraph (c)(7) as follows:

§ 1258.2 Applicability.

(a) Except as otherwise provided in this section, fees for the reproduction of NARA administrative records, archival records, donated historical materials, and records filed with the Office of the Federal Register are as set forth in § 1258.12.

* * * * *

(c) * * *

(3) Motion picture and sound and video recording materials among the holdings of the National Archives. Prices for reproduction of these materials are available from the Motion Picture and Sound and Video Branch, National Archives (NNSM), Washington, DC 20408.

* * * * *

(7) [Reserved].

* * * * *

3. Section 1258.4 is amended by revising paragraph (b) to read as follows:

§ 1258.4 Exclusions.

* * * * *

(b) When NARA wishes to disseminate information about its activities to the general public through press, radio, television, and newsreel representatives;

* * * * *

4. Section 1258.10 is amended by revising paragraph (a) to read as follows:

§ 1258.10 Mail orders.

(a) There is a minimum fee of $5.00 per order for reproductions which are sent by mail to the customer.

* * * * *

5. Section 1258.12 is revised to read as follows:

§ 1258.12 Fee schedule.

(a) *Authentication:* $2.00

(b) *Still photography:*

(1) Copy negatives (Black & White):

4 in. by 5 in. $3.60
8 in. by 10 in. $5.45

(2) Copy negatives (Color):

4 in. by 5 in. $9.35
8 in. by 10 in. $18.95

(3) Slides (from an existing negative):

2 in. by 2 in. (Black & White) $1.55
2 in. by 2 in. (Color) 2.65

(4) Photographic prints (Black & White):

8 in. by 10 in. $4.15
11 in. by 14 in. $6.65
16 in. by 20 in. $7.65
20 in. by 24 in. $9.25
22 in. by 28 in. $12.75
24 in. by 30 in. $12.75
30 in. by 40 in. $15.35

(5) Aerial prints:

10 in. by 10 in. $4.75
14 in. by 14 in. $8.20
18 in. by 18 in. $9.20
20 in. by 24 in. $9.50
27 in. by 28 in. $14.25
40 in. by 41 in. $16.65

(c) *Electrostatic copying:*

(1) Paper to paper (up to 11 in. by 17 in.):

Customer performs the work at NARA self-service copier $0.20
Customer tabs documents for NARA copying ..... .30
NARA identifies documents for NARA copying ..... .35

(2) Oversized electrostatic copies (per foot): $1.65.

Add per foot for vellum paper ..... .20

(3) Microfilm to paper:

From negative (copy flow), per foot $0.55

From positive	Up to 11 in. by 17 in.	18 in. by 24 in.
Work done by customer	$0.30	$0.80
NARA performs the work		
First copy per roll	1.85	2.35
Next consecutive frame or duplicate	.80	1.30
Next nonconsecutive frame	.95	1.50

(d) *Diazo (per foot):* $1.15.

(e) *Microfilm:*

	16mm rotary	16mm planetary	35mm planetary	35mm oversize
(1) Negative (per frame):				
Customer tabs documents for filming	.25	.25	.25	.35
NARA tabs documents for filming	.30	.30	.30	.40
(2) Next generation (per foot)		.29	.31	
(3) Direct duplicate (per foot)		.30	.33	

(f) *105mm microfilm/microfiche (per frame/fiche): $4.50.*

(g) *Technical services:*

	Regular	Overtime
Photographer (per hour)	$11.00	$16.50
Microfilm preparation (per hour)	9.50	14.25
Sound & video recordings	11.50	17.25

(h) *Preservation of records.* In order to preserve certain records which are in poor physical condition, NARA may restrict customers to a choice of photostatic or microfilm copies instead of electrostatic copies.

(i) *Unlisted processes.* Fees for reproduction processes not listed in § 1258.12 are computed upon request.

5. Section 1258.16 is revised to read as follows:

§ 1258.16 Effective date.

The fees in § 1258.12 are effective on December 1, 1985.

Dated: October 11, 1985.

James E. O'Neill,

Acting Archivist of the United States.

[FR Doc. 85-24926 Filed 10-18-85; 8:45 am]

BILLING CODE 7515-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 84-232]

Future Public Safety Telecommunications Requirements; Extension of Time

AGENCY: Federal Communications Commission.

ACTION: Order extending time to file comments and replies.

SUMMARY: The Commission has received a motion from the California Peace Officer's Association seeking an extension of the time to comment on the report, entitled Future Public Safety Telecommunications Requirements. By this action the Commission has granted, in part, the motion by extending the deadline for comments and reply comments to November 19, 1985, and December 19, 1985, respectively.

DATES: Comments are now due on November 19, 1985; Reply comments are now due on December 19, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joseph A. Levin, Private Radio Bureau, Land Mobile and Microwave Division, (202) 632-7125.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Radio, Public safety radio services.

Order

In the matter of Future Public Safety Telecommunications Requirements; PR Docket No. 84-232.

Adopted: October 9, 1985.
Released: October 11, 1985.

By the Chief, Private Radio Bureau:

1. On August 1, 1985, the Commission released a Private Radio Bureau Report, entitled Future Public Safety Telecommunications Requirements, and solicited comments on or before October 30, 1985, and reply comments on or before November 29, 1985 (August 9, 1985, 50 FR 32239). The California Peace Officer's Association (CPOA) has requested an extension of time for filing comments and reply comments to the Report until January 15, 1986, and March 3, 1986, respectively.

2. In support of its motion, CPOA refers to the complexity of the issues addressed in the Report and the need for sufficient time to solicit comments from its 434 member public safety agencies, to analyze them, and to develop a consolidated set of comments. We recognize the complexity and breadth of the issue discussed in the Report and set the original comment and reply comment deadlines accordingly. The importance of this proceeding and its interrelationship to a number of other pending proceedings requires that we move expeditiously to develop a plan which provides for the communications needs of State and local public safety authorities as mandated by Congress in the 1983 Authorizations Act.

3. In the interest of balancing the need for expedition with CPOA's stated need for additional time to develop useful comments, we believe a twenty day extension of the comment and reply comment deadlines would be appropriate.

4. Accordingly, it is ordered, pursuant to the authority set forth in § 0.331 of the Commission's rules, that interested persons are to file comments by November 19, 1985, and reply comments by December 19, 1985.

5. The point of contact in this matter is Joseph A. Levin, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632-7125.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 85-24967 Filed 10-18-85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 50, No. 203
Monday, October 21, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Survey of Retail Sales and Inventories; Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct in 1986 the Annual Retail Trade Survey, which we have conducted each year since 1951 (except 1954) under Title 13, United States Code, sections 182, 224, and 225. The Bureau of the Census conducts this survey of retail firms to collect data covering year-end inventories, accounts receivable balances, merchandise purchases, and annual sales. This survey will provide data for 1985 and is the only continuing source available on a comparable classification and timely basis for use as a benchmark for developing estimates of retail inventory, accounts receivable, merchandise purchases, and sales. We will begin this survey no earlier than December 31, 1985.

The Bureau of the Census has received information and recommendations showing that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

We will request reports from only a sample of firms operating retail establishments in the United States selected with probability based on their sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the data items covered in this proposed survey will receive consideration if submitted in writing to the Director of the Bureau of the Census on or before December 6, 1985.

Dated: October 16, 1985.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 85-25013 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[C-122-504]

Preliminary Affirmative Countervailing Duty Determination; Certain Red Raspberries From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to producers or exporters in Canada of certain red raspberries. The estimated net subsidy is 0.99 percent *ad valorem*.

We have notified the U.S. International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to suspend liquidation of all entries of certain red raspberries from Canada that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit or bond on entries of these products in the amount equal to the estimated net subsidy.

If this investigation proceeds normally, we will make our final determination by December 26, 1985.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Martin or Roy Malmrose, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-3464 or 377-8320.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to producers or exporters in Canada of certain red raspberries. For purposes of this investigation, the British Columbia Raspberry Producers' Farm Income Plan (FIP) is found to confer a subsidy.

We determine the estimated net subsidy to be 0.99 percent *ad valorem*.

Case History

On July 18, 1985, we received a petition in proper form from the Washington Red Raspberry Commission, the Red Raspberry Committee of the Oregon Caneberry Commission, the Red Raspberry Committee of the Northwest Food Processors Association, the Red Raspberry Member Group of the American Frozen Food Institute, Rader Farms (a grower-packer), Ron Roberts (a grower), Shuksan Frozen Foods, Inc., the Washington Red Raspberry Growers Association, and the North Willamette Horticultural Society, on behalf of domestic producers of red raspberries packed in bulk containers and suitable for further processing.

In compliance with the filing requirments of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers or exporters of certain red raspberries in Canada directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on August 6, 1985, we initiated this investigation (50 FR 32461).

Since Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our initiation. On September 3, 1985, the ITC determined that there is a reasonable indication that these imports materially injure, or threaten material injury to, a U.S. industry.

We presented a questionnaire concerning the allegations to the government of Canada in Washington, D.C. on August 12, 1985. On September 12, 1985, we received responses to our questionnaire from the government of Canada and eleven commercial growers.

packers, grower-owned cooperative packers, and grower-packers of red raspberries.

On September 11, 1985 we received an exclusion request from Mukhtiar & Sons Packers Ltd. However, the response indicates that while Mukhtiar does not directly receive benefits under FIP, it does purchase raspberries from growers which may receive FIP benefits. Therefore, for purposes of this preliminary determination we are denying Mukhtiar's exclusion request.

On September 24, 1985, petitioners filed an amendment to their petition alleging the existence of critical circumstances.

Scope of the Investigation

The products covered by this investigation are fresh and frozen red raspberries packed in bulk and suitable for further processing. Fresh red raspberries are currently classified under item numbers 146.5400 and 146.5600 of the *Tariff Schedules of the United States, Annotated* (TSUSA) and frozen raspberries under item number 146.7400.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984, issue of the **Federal Register** (49 FR 18006).

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, recept of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses are subject to verification. If the responses cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

For purposes of this preliminary determination, the period for which we are measuring subsidization (the review period) is the government of Canada's 1985 fiscal year (April 1, 1984—March 31, 1985). Based upon our analysis of the petition, information submitted by petitioners, and the responses to our questionnaires submitted by the government of Canada, and the growers and packers of red raspberries in British Columbia, we preliminarily determine the following:

I. Program Preliminarily Determined to Confer a Subsidy

We preliminarily determine that a subsidy is being provided to producers or exporters in Canada of certain red raspberries under the following program:

A. British Columbia Raspberry Producers' Farm Income Plan (FIP)

Created in 1976 pursuant to British Columbia's Farm Income Insurance Act, FIP assures raspberry producers in British Columbia a specified level of return over estimated production costs. The program is administered by the provincial Ministry of Agriculture and Food, the British Columbia Federation of Agriculture, and the British Columbia Raspberry Growers' Association. The growers contribute to the funding of FIP through the payment of premiums and administrative surcharges. The provincial government's share of the funding consists of payments equal to those of the growers or, in deficit years, payments to the extent necessary, which will return the program to financial equilibrium.

Participation in the program is voluntary and is open to all producers who are members of the British Columbia Raspberry Growers' Association and who ship a minimum of 10 tons of raspberries grown in British Columbia to a processor in British Columbia. Certain participation ceilings restrict the number of pounds for which the program provides coverage. There are also payment ceilings, above which benefits are reduced.

Participating raspberry producers receive stabilization payments for years during which estimated costs of production exceed market returns. Costs of production and market returns are determined by the administering authorities. Stabilization payments are equal to the difference between the estimated costs of production and market returns, multiplied by the number of pounds of raspberries sold, less premiums and administrative surcharges paid by the grower.

In the "Final Affirmative Countervailing Duty Determination: Live Swine and Fresh, Chilled and Frozen Pork Products from Canada" (50 FR 25097), we found the Farm Income Plan for swine producers in British Columbia to be countervailable. We found FIP in "Live Swine" to be countervailable because: (1) Neither the Farm Income Insurance Act nor its implementing regulations and guidelines contain procedures or criteria establishing when a commodity is to become subject to a stabilization plan; (2) there is room for considerable variance in the treatment of those commodities for which stabilization plans are in place; and (3) the models used to estimate the cost of production are not necessarily an accurate reflection of the cost of production experience of the relevant producer group. Because the FIP program for growers of red raspberries in British Columbia is virtually identical to the program found countervailable in "Live Swine," we preliminarily determine this program to be countervailable.

As described above, to be eligible for FIP payments a grower must be a member of the British Columbia Raspberry Growers' Association. However, in calculating the estimated net subsidy we did not subtract membership fees paid by the growers to the Association from the amount of FIP payments received by growers. Although section 771(6)(A) of the Act permits the subtraction of "any application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the subsidy," we are not convinced it is appropriate to deduct the membership fees from the funds provided under FIP to arrive at a "net subsidy." It is clear from the regulations provided in the response that the membership fees are not used in any manner to fund FIP. Furthermore, the link between membership fees and the benefits provided under FIP is neither specifically described nor well-defined in the regulations. In particular, the payment of membership fees is not specifically listed as a prerequisite for receiving FIP benefits. While the regulations do require that a grower be a member "in good standing" in the Growers' Association, the payment of substantial membership fees does not appear to be directly related to receipt of FIP benefits.

The premiums paid by the growers do actually flow into the fund from which FIP payments are made. The surcharges paid by the growers finance the administration of the program. The payment of premiums and surcharges is specifically stated in the regulations as a requirement for participation in the program. Accordingly, these charges qualify as offsets under section 771(6)(A) of the Act and have been subtracted from FIP payments in the calculation of the estimated net subsidy.

To calculate the estimated net subsidy, we subtracted the premiums and administrative surcharges paid by

the growers from the amount of government payments made during the review period and divided the resulting amount by total sales. We preliminarily determine that the estimated net subsidy is 0.99 percent *ad valorem.*

II. Program Preliminarily Determined Not to Confer a Subsidy

A. Wage Subsidy Program

The Ministry of Labor in the Province of British Columbia administers a number of wage subsidy programs. The two objectives of these programs are to create employment for target groups of individuals and to stimulate economic growth within the Province. Each program reimburses the employer for up to 50 percent of the wages paid to a maximum of $2.50 per hour. The various "target groups" include: Women, clients of the Ministry of Human Resources, disabled persons and students. To be eligible for funding, employers must have an established operation in British Columbia and be able to create a position that will provide employment. Because this program is not limited to a specific enterprise or industry or group of enterprises or industries, we preliminarily determine it to be not countervailable.

III. Programs Preliminarily Determined Not Used

A. Stabilization Payments Under the Agricultural Stabilization Act

The Agricultural Stabilization Act (ASA) of 1957–58 was enacted to provide for the stabilization of the prices of certain agricultural commodities. Three groups of commodities are explicitly provided for within the ASA: Cattle, hogs and sheep; industrial milk and cream; and corn, soybeans, oats and barley. Other natural or processed agricultural products, with certain exceptions, may be designated by the Governor in Council. Red raspberries are not named as a commodity under the Act nor have they been discretionarily designated for support in the last two fiscal years. Therefore, we preliminarily determine that this program was not used.

B. "Loi Sur L'assurance-Recolte"

This Quebec provincial law authorizes the establishment of crop insurance programs. The administering authority is "Regie des Assurances Agricoles du Quebec." Under the law, several commodity-specific regulations have been issued. The Regulations on the Insurance for Raspberries and Strawberries (number: A–30, r.9) establish procedures through which raspberry producers in Quebec can insure their raspberry crop in the first and second years of planting against snow, hail, drought, insects, disease etc. Because all of the growers and packers of red raspberries which are exported to the United States are located in British Columbia, we preliminarily determine that this program was not used.

Preliminary Negative Determination of Critical Circumstances

Petitioners alleged that imports of certain red raspberries from Canada present "critical circumstances." Under section 703(e)(1) of the Act, critical circumstances exist when the Department has a reasonable basis to believe or suspect that (1) the alleged subsidy is inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade ("the Subsidies Code"), and (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Section 355.29(a) of the Commerce Regulations (19 CFR 355.29(a)) on critical circumstances provides, *inter alia,* that we will determine "whether the alleged subsidy is an *export* subsidy inconsistent with the Agreement" (emphasis added). Article 5(9) of the Subsidies Code also clearly limits the finding of critical circumstances to situations involving export subsidies. Thus, to be inconsistent with the Subsidies Code, a subsidy must be an export subsidy. Because eligibility for benefits under FIP is not contingent upon export performance, FIP is not an export subsidy and is not inconsistent with the Subsidies Code. Therefore, we preliminarily determine that "critical circumstances" do not exist with respect to certain red raspberries from Canada. We do not reach the question of whether there have been massive imports.

Verification

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of red raspberries that are subject to this investigation which are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register,** and to require a cash deposit or bond in the amount of 0.99 percent *ad valorem.*

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our file, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If our final determination is affirmative, the ITC will make its determination of whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days after our final determination.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination at 11:00 a.m. on November 15, 1985, at the U.S. Department of Commerce, Room 1413, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B099, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by November 8, 1985. Oral presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determination or if a hearing is held, within 10 days after the hearing transcript is available.

This Notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

October 11, 1985.

[FR Doc. 85–25022 Filed 10–18–85; 8:45 am]

BILLING CODE 3510–DS–M

[A-122-006]

Steel Jacks From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On January 16, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel jacks from Canada. The review covers the one manufacturer covered by the finding, J.C. Hallman Manufacturing Company, Ltd., and two consecutive periods from September 1, 1980, through August 31, 1982.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. At the request of Hallman, we held a public hearing on March 9, 1984.

As a result of our review of the comments received, we have changed the antidumping margins from those presented in our preliminary results of review.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Barbara Victor or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5222/3601.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 1923) the preliminary results of its administrative review of the antidumping finding on steel jacks from Canada (31 FR 11974, September 13, 1966). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of steel jacks, currently classifiable under item 664.1057 of the Tariff Schedules of the United States Annotated. The review covers J.C. Hallman Manufacturing Company, Ltd., the one manufacturer covered by the finding, and two consecutive periods from September 1, 1980, through August 31, 1982.

Analysis of Comments Received

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. At the request of Hallman, we held a public hearing on March 9, 1984.

Comment 1: Hallman argues that parts of steel jacks were not included within the scope of the original petition, investigation, or finding, and the amount of value-added by the unrelated U.S. purchaser to Hallman's exports of components to produce a finished jack is large enough to preclude expanding the finding to include parts of steel jacks. Unlike other scope rulings by the Department involving new products, the petitioner, Bloomfield Manufacturing Co., knew of the import and sale of parts for assembly yet failed in the petition to request relief from such sales.

Bloomfield argues that parts of steel jacks are within the scope of the finding. There are only small differences in the costs of materials, direct labor, and direct factory overhead between an assembled and an unassembled jack. To the best of the petitioner's knowlege, there were no imports of components at the time of the original investigation and thus no reason for Bloomfield to complain of imports that were not occurring. Further, Bloomfield disputes Hallman's use of its U.S. sale prices (including profit) to establish the amount of value added in the U.S. Hallman's U.S. prices are the subject of this antidumping review. Second, "mark-up" is irrelevant to the question of value added. Instead, the Department should measure the value added solely in terms of costs of manufacture.

Hallman counters that, even on a cost-of-manufacture basis, the U.S. value added was substantial.

Department's Position: We believe that the components in question, at the time of importation, were at least unassembled, unfinished jacks. The painting, assembly, labeling, and deburring performed by the U.S. customer were relatively minor, finishing operations. These jacks, since they were sold and imported in one package and could be easily finished and assembled to form completed jacks, are within the scope of the finding.

Comment 2: Once having decided that unassembled jacks shipped during the review period are covered by the finding, Bloomfield claims that Hallman's requested adjustments for differences in physical characteristics between assembled and unassembled jacks, particularly for direct labor and factory overhead, are too high and should be reduced. Bloomfield cannot believe that certain labor operations claimed by Hallman, *i.e.*, those for milling, deburring, and filing of cast jack parts purchased from unrelated suppliers, actually occurred. The Canadian foundry supplying castings to Hallman produced clean merchandise not needing milling or deburring.

Hallman, on the other hand, claims that the Department underestimated the cost differences. Hallman notes that its supplier foundry had a number of manufacturing plants, and Hallman's castings during the review period came from an older, less efficient plant and, despite Bloomfield's disagreement, did require subsequent deburring, filing, and other operations. Hallman also argues that the cost of labor should include the "raw wages" for direct and indirect labor and the cost of employee benefits such as vacation pay and insurance. Hallman also contends that our adjustment for factory overhead costs should be for both fixed and variable overhead costs allocable to the production of jacks, including heat, light, water, machinery and building depreciation, plant insurance, building maintenance, and real estate taxes.

Bloomfield disagrees, arguing that it is improper to adjust for indirect or fixed factory overhead expenses such as depreciation on the factory building or the salary of the plant superintendent.

Department's Position: In adjusting for differences in labor costs, the Department as a rule only looks at the direct labor costs of producing the merchandise and any employee benefits associated with those direct labor costs. We do not adjust for indirect labor costs because we do not believe they vary among products. We have allowed here a portion of the small claim for direct labor. We have not recalculated the labor adjustment here to include employee benefits because Hallman did not quantify the actual benefits for the workers producing the jacks but only attempted to allocate to jack production a portion of total employee benefits.

When calculating the manufacturing overhead associated with differences in physical characteristics the Department as a rule takes into account only those expenses which are variable, and which can be attributed to the production of the merchandise covered by the finding. We do not include fixed overhead expenses because they do not vary among products.

Here, since Hallman identified direct factory overhead costs associated with the production of all jacks, but did not separately identify the direct factory overhead costs associated only with the assembly operations, we disallowed the claimed differences in overhead costs.

Comment 3: Bloomfield argues that the Department should not use Hallman's large volume sales in Canada for comparison to smaller volume U.S. sales of assembled jacks. Bloomfield

contends that, although Hallman during the review period shipped assembled jacks in large quantities to the U.S. to commissioned agents, Hallman ultimately sold them in smaller quantities.The initial transfers to the agents were for warehousing and were not sales to unrelated purchasers. Hallman paid the agents significant commission fees, and it is therefore fair to assume that they were performing the role of agents rather than purchasers. The agents did not take title to the merchandise.

Hallman responds that the volume of jacks shipped from a commissioned agent's warehouse has no bearing on the quantities of jacks sold to those commissioned agents in the U.S. Therefore, the Department's sales comparisons are correct.

Department's Position: Although Hallman's price lists for both markets stated that prices were based on annual purchased volumes, in fact all individual U.S. sale prices, and many individual Canadian sale rices, differed from the price lists.

In neither could we discern a causal link between different prices and different quantities pruchased. In both markets we therefore have compared prices for comparable small quantities.

Comment 4: For sales of unassembled jacks to an unrelated U.S. customers, American Gage, Hallman argues that the Department should base the price comparisons on Canadian sales involving comparable large volumes. Therefore, the Department has erred in using an average of Canadian prices (for small, medium, and large sales) rather than specific large volume Canadian sales similar to those in the U.S. If we disagree, Hallman requests that we make an adjustment for differences in quantity, or alternatively an adjustment for level-of-trade differences, in our comparison of those sales to Canadian sales of assembled jacks. There were selling expenses incurred in the Canadian sales to retailers that were not incurred in the sales to American Gage.

Bloomfield argues that Hallman did not sell unassembled jacks in Canada or to a third market and therefore the Department cannot base any quantity adjustment on what Hallman would charge if it had sold unassembled jacks. Further, Bloomfield questions whether the quantities Hallman has invoiced are the actual quantities sold to American Gage.

With regard to a level-of-trade adjustment, Bloomfield contends that Hallman has insufficiently quantified its claim, that Hallman has admitted that it does not maintain product- or market-specific selling cost records, and therefore the Department should deny such a claim.

Department's Position: We agree with Hallman that our comparisons should be to specific Canadian sales rather than a weighted-average of the home market prices of large, medium, and small volume sales. As we noted in our position on Comment 3, we found no relationship between the unit prices and different quantities. We have recalculated the margins using specific contemporaneous Canadian sales in comparable quantities. We have not allowed Hallman's alternative claim for an adjustment for differences in quantities.

Bloomfield's claim, that the quantities of unassembled jacks invoiced to American Gage may not be the quantities actually sold, lacks substantiation.

We agree with the petitioner that Hallman inadequately quantified its claim for a level-of-trade adjustment. Hallman merely allocated to Canadian jack sales a portion of its salary and travel expenses incurred on sales of all products to all markets, including the United States. That method does not demonstrate that the ostensibly Canadian expenses were incurred as a result of sales to one market or of one product, let alone one level of trade.

Comment 5: Bloomfield claims that assembled and unassembled jacks transferred to unrelated U.S. parties free of charge should be considered U.S. sales at a zero purchase price. Bloomfield argues that, while Hallman refers to them as samples, there was no indication that those jacks were entered as samples, with the necessary temporary importation bond. Further, Bloomfield believes the Department should consider an additional 1700 jacks to have entered the U.S. at a starting purchase price of zero based on Bloomfield's claim of unreported shipments, prior to the review period, delivered free of charge.

Hallman argues that it never sold the samples (for use in demonstrations) to the recipients, its commission agents, but retained ownership itself. The agents are obliged to return those jacks when the agents cease to represent Hallman in the U.S.

Department's Position: We agree that all entries delivered free of charge should be assigned a zero pruchase price. The Department has generally determined that merchandise entered for consumption is subject to a finding of dumping if ownership transferred from the manufacturer and/or exporter to an unrelated party in the United States. There is no evidence in the record that Hallman, at the time of importation, intended to have the sample jacks re-exported. Therefore, those "sample" jacks entered during our review periods are subject to the finding. We have recalculated the purchase prices on such entries reported in Hallman's submission and on an additional 30 jacks which Hallman reported after the hearing. We have no evidence of an additional 1700 jacks shipped free of charge.

Comment 6: Bloomfield argues that, using the best information otherwise available, we should make adjustments for directly related selling expenses incurred but not reported by Hallman on its U.S. sales. The alleged Hallman expenses include advertising, technical services, warranty, the cost of maintaining repair station facilities, the cost of returned goods, product liability insurance expenses, U.S. customs duties billed to Hallman but unreported, reimbursed antidumping duties, extra reimbursement to commission agents for providing a U.S. warehouse, absorption of commissions paid by American Gage to its salesmen, and absorption of a portion of freight costs to American Gage.

Hallman denies most of these claims. Hallman states that it reported all its promotional expenses and that it did provide technical assistance to American Gage, but that it took place outside our review periods. Hallman contends that, because of the small number of finished jacks shipped to the U.S. during the review periods, there were no returns or warranty expenses for the periods. Hallman states that, although it planned to establish repair stations, it abandoned the plan. Hallman in its post-hearing brief provided data to show that it paid premiums for product liability insurance for its Canadian sales equal to the (unreported) amount paid for its U.S. sales. Hallman did not believe the Department's questionnaire called for such information.

Hallman contends that it did not absorb normal duties (its prices included such duties) and had not agreed to reimburse dumping duties to any party. Hallman also argues that it did not subsidize customers' freight costs during the review period, submitting freight invoices in support of its position.

Department's Position: Based on the evidence provided by Bloomfield concerning unreported advertising expenses in the U.S., we have now denied Hallman's claim for an advertising circumstance-of-sale adjustment for the comparisons with U.S. sales of assembled jacks in 1980–81. We have no evidence of technical

service or warranty expenses during the review periods. We have insufficient evidence that Hallman maintained repair stations in the U.S. during the review periods and therefore have not adjusted for the alleged cost of those stations. We have added three-tenths of one percent to all Canadian sales to cover the cost of returned U.S. jacks unreported by Hallman and one-tenth of one percent for unreported product liability insurance expenses. There are no unreported normal customs duties as Bloomfield alleges. We deducted such duties by applying the appropriate *ad valorem* rate to all shipments covered by the review.

We deny Bloomfield's claim that a deduction should be made from U.S. price for Hallman's possible reimbursement of an importer who paid antidumping duties. Absent evidence to the contrary, we take the importer's signed statements (required by § 353.55(b) of the Commerce Regulations) that there were no reimbursements to be sufficient evidence in this case that Hallman did not reimburse any importer.

We have denied Bloomfield's claim that U.S. price should be adjusted for the amount of American Gage's commission and freight costs allegedly absorbed by Hallman. Our evidence shows that any Hallman subsidization of American Gage's commission costs occurred only for the month of May 1980, *i.e.*, prior to the review period, and that Hallman billed American Gage in full for the cost of freight from Hallman's plant to American Gage. Finally, we have no evidence of any extra reimbursement to commission agents for providing a U.S. warehouse.

Comment 7: Hallman argues that a circumstance-of-sale adjustment should be made for expenses incurred in selling finished jacks in Canada to offset commissions paid to the independent agents on its U.S. sales of finished jacks. Bloomfield argues that Hallman's claim is insufficiently quantified. Hallman has not introduced any evidence separating those expenses by product and market, but rather merely allocated those expenses on revenue earned. Without a showing of those indirect selling expenses that relate solely to sales in the Canadian market, the Department should deny the claim.

Department's Position: The Department has denied Hallman's claim due to improper allocation and untimely submission of data.

Comment 8: Hallman argues that we should have made a circumstance-of-sale adjustment for advertising costs in comparisons with U.S. sales of unassembled jacks in 1980–81. Hallman's proposed shift from averaging of Canadian prices to individual transacation comparisons (*see* Comment 4) would permit us to examine such advertising costs.

Department's Position: We have continued to deny Hallman's request for an advertising adjustment in comparisons with unassembled jack sales in the U.S. because the claimed adjustment was not adequately documented.

Comment 9: Bloomfield claims that, in comparisons with U.S. sales of unassembled jacks, the Department should deny Hallman's claim for an adjustment for commissions paid to Canadian purchasers because Hallman did not report all its U.S. indirect selling expenses which could be used as an offset to Canadian sales with commissions. Alternatively, if we allow an adjustment for commissions paid in Canada in those comparisons, then the non-commission U.S. sales should be subject to a full commission offset. Hallman contends that a commission offset adjustment to U.S. sales is inappropriate. Hallman states that it claimed an adjustment for commissions on only four Canadian sales, and on each of those sales the U.S. sale was of finished jacks, all U.S. sales of which had commission costs.

Department's Position: We have not used for comparison purposes any Canadian sales that involved commissions. Therefore, this issue is moot.

Comment 10: Bloomfield requests that all Canadian sales to original equipment manufacturers ("OEMs") be excluded from consideration as comparison sales, because they are at a different level of trade than the sales to U.S. distributors, and because Canadian federal sales tax is not paid on OEM sales. Bloomfield alternatively requests that we deny any addition to U.S. price under section 772(d)(1)(C) of the Tariff Act for sales taxes, due to Hallman's failure to identify properly those OEM transactions and its failure to explain why certain invoices show that tax deducted from the invoiced price.

Department's Position: For those sales believed by Bloomfield to be sales to OEMs, we found them in fact to be at the same level of trade and have used them for comparisons in these final results. Further, all the sales prices that we used included the federal sales tax. Therefore, we made an adjustment for those taxes.

Comment 11: Bloomfield contends that the duty deposit rate applicable to future imports should be based upon the weighted-average dumping margin for all sales covered by both years of the review, not just the later year. This is particularly so because the quantity sold in the second year was small compared with the first year. Alternatively, the Department should set separate rates for assembled and unassembled jacks.

Department's Position: For periods of review beginning after January 1, 1980, it is the Department's practice to establish its estimated duty deposit rate based upon the weighted-average margin for all sales during the most recent period reviewed. We do this because the most recent period should be the best indicator of future marketing practices.

As for separate rates for assembled and unassembled jacks, our normal policy is to set one cash deposit rate for the class of kind or merchandise covered by a finding or order.

Final Results of the Review

Based on our analysis of the comments received, we have changed the dumping margins for Hallman. We determine that the following weighted-average margins exist:

Manufacturer	Time period	Margin (percent)
J.C. Hallman Manufacturing Company Limited.	09/01/80–08/31/81	28.35
	09/01/81–08/31/82	9.65

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries during the periods of review. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the more recent of the above margins shall be required on all shipments of Canadian steel jacks, manufactured by J.C. Hallman Manufacturing Co., Ltd., entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next requested administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: October 14, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-23782 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-614-502]

Low-Fuming Brazing Copper Rod and Wire from New Zealand; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that low-fuming brazing copper rod and wire from New Zealand is being sold in the United States at less than fair value. The U.S. International Trade Commission (ITC) will determine, within 45 days of publication of this notice, whether these imports are materially injuring, or are threatening to materially injure, a United States industry.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-2613.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that low-fuming brazing copper rod and wire from New Zealand is being sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). For low-fuming brazing copper rod and wire sold by McKechnie Brothers (N.Z.) Limited, the only known exporter of the subject merchandise, we have found that the foreign market value exceeded the United States price on 100 percent of the sales compared. The margin of dumping ranged from 19.5 percent to 38.5 percent. The weighted-average was 26.93 percent.

Case History

On February 19, 1985, we received a petition in proper form from American Brass, Century Brass, and Cerro Metal Products of Meadows, IL, Waterbury, CT, and Bellefonte, PA, respectively, filed on behalf of the U.S. low-fuming brazing copper rod and wire industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from New Zealand are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673), and that these imports are materially injuring, or threatening material injury to, a U.S. industry. On May 10, 1985, a letter supporting the petition was filed by J.W. Harris Company of Cincinnati, OH, another producer of low-fuming brazing rod and wire.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We initiated the investigation on March 11, 1985 (50 FR 10522), and notified the ITC of our action.

On April 5, 1985, the ITC found that there is a reasonable indication that imports of low-fuming brazing copper rod and wire from new Zealand are materially injuring, or threatening material injury to, a U.S. industry (USITC Pub. No. 1673, April 1985).

On March 22, 1985, we presented a questionnaire to counsel for the manufacturer McKechnie Brothers (N.Z.) Limited (McKechnie), who accounts for all New Zealand exports of the subject merchandise to the United States. On may 10, 1985, we received a reply to the questionnaire. We examined 100 percent of the sales made by McKechine during the period of investigation.

We published a preliminary determination of sales at less then fair value on August 2, 1985 (50 FR 31405). Our notice of the preliminary determination provided interested parties with an opportunity to submit views orally or in writing.

We made fair value comparisons between sales of identical merchandise which was sold by McKechnie in both the United States and New Zealand markets. Such merchandise comprised 93 percent of McKechnie's sales to the United States.

Standing

On March 20, 1985, Aufhauser Brothers Corporation ("Aufhauser") requested that we rescind our initiation of this investigation, alleging that the petitioners had not filed "on behalf of" the domestic industry, as required by section 732 of the Act. This allegation was also raised in the context of our countervailing duty investigation of low-fuming brazing copper rod and wire from New Zealand. We investigated and found in the preliminary countervailing duty determination that there is no reason to conclude that petitioners do not have standing (50 FR 21328). We have received no further evidence to change that determination, as stated in our final countervailing duty determination (50 FR 31638).

Scope of Investigation

The products covered by this investigation are low-fuming brazing copper rod and wire, principally of copper and zinc alloy ("brass"), of varied dimension in terms of diameter, whether cut-to-length or coiled, whether bare or flux-coated, currently classified in the *Tariff Schedules of the United States Annotated* (TSUSA) under items 612.6205, 612.7220 and 653.1500. The chemical composition of the products under investigation is defined by Copper Development Association (CDA) standards 680 and 681.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price based on the CIF packed price to unrelated customers in the United States. We made deductions for New Zealand inland freight, ocean freight and marine insurance.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on home market sales.

We calculated foreign market value on the basis of ex-railhead or delivered prices to unrelated purchasers. From these prices, we deducted, where appropriate, New Zealand inland freight. We made adjustments, where appropriate, for differences in credit costs in accordance with § 353.15 of our Regulations (19 CFR 353.15). We added the amount of commissions paid on certain sales to the United States to the home market price. We did not offset this commission with home market selling expenses in accordance with § 353.15(c) of our Regulations because the respondent was unable to provide the amount of such expenses. We deducted home market packing costs and added U.S. packing.

For reasons stated below under Petitioners' comments 1 and 2, we disallowed claimed adjustments for differences in level of trade and quantities.

Verification

As provided in section 776(a) of the Act, we verified data used in making this determination by using verification procedures which included examination of company records and selected original source documentation containing relevant information.

Petitioners' Comments

Comment 1

The petitioners argue that no level of trade adjustment should be made.

DOC Response

We agree. All of McKechnie's sales to the United States are to wholesalers. In the home market, McKechnie's sales are all to retailers. McKechnie is the only producer in New Zealand of low-fuming brazing copper rod and wire. McKechnie provided information as to the markups of wholesalers in New Zealand of other metal products which are not the subject of this investigation, but inasmuch as there is no information regarding sales in New Zealand by manufacturers of the product under investigation, there is no basis on which to quantify a level of trade adjustment.

Comment 2

The petitioners argue that no adjustment should be made for different quantities.

DOC Response

We agree. The verified data indicate that quantity discounts do not exist. Furthermore, the data do not contain evidence of differences in price associated with differences in quantity as required by § 353.14 of our Regulations (19 CFR 353.14).

Comment 3

The petitioners argue that the respondent understated its credit costs incurred on sales to the United States.

DOC Response

We agree. For the final determination we have based the credit adjustment for U.S. sales on verified data which support an adjustment larger than that claimed by the respondent.

Comment 4

The petitioners argue that the respondent overstated its credit costs incurred on home market sales.

DOC Response

We agree. For the final determination we have based the credit adjustment for home market sales on verified data which support an adjustment smaller than that claimed by the respondent.

Respondents' Comments

Comment 1

The respondent argues that we should make an adjustment for differences in level of trade.

DOC Position

We disagree. See our response to petitioners' comment 1 above.

Comment 2

The respondent argues that we should make an adjustment for differences in quantities.

DOC Position

We disagree. See our response to petitioners' comment 2 above.

Continuation of suspension of Liquidation

We are directing the United States Customs Service to continue to suspend liquidation of all entries of low-fuming brazing copper rod and wire from New Zealand that are entered, or withdrawn from warehouse, for consumption, on or after August 2, 1985, the date of publication of the preliminary determination in the Federal Register. The United States Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The bond or cash deposit amounts established in our preliminary determination of August 2, 1985, remain in effect with respect to entries or withdrawals made prior to the date of publication of this notice in the Federal Register. With respect to entries or withdrawals made on or after the publication of this notice, the bond or cash depost amounts required are shown below.

Article VI.5 of the General Agreement on Tariffs and Trade provids that "[n]o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since dumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Accordingly, the level of export subsides, as determined in the final affirmative countervailing duty determination on low-fuming brazing copper rod and wire from New Zealand (50 FR 31638), will be subtracted from the dumping margin for deposit or bonding purpose.

Manufacturer/producer/exporter	Weighted-average margin percentage
McKechnie Brothers (N.Z.) Ltd	26.93
All others	26.93

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will make its determination whether these imports are materially injuring, or threatening to materially injure, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on low-fuming brazing copper rod and wire from New Zealand entered, or withdrawn from warehouse, for consumption after the suspensin of liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Dated: October 15, 1985.

Walter J. Olson,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 85-25024 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-503]

Initiation of Countervailing Duty Investigation; Rice From Thailand

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters

in Thailand of rice, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination by December 18, 1985.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Loc Nguyen or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-0167 or 377-3464.

SUPPLEMENTARY INFORMATION:

Petition

On September 24, 1985, we received a petition filed on behalf of the Rice Millers' Association. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Thailand of rice receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Thailand is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the merchandise being investigated is dutiable. Therefore, sections 303(a)(1) and (b) of the Act apply to this investigation. Accordingly, petitioners are not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of these products materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information, reasonably available to the petitioner, supporting the allegations. We have examined the petition on rice from Thailand and we have found that the petition meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Thailand of rice, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by December 18, 1985.

Scope of the Investigation

The product under investigation is rice, both milled and unmilled, and includes all varieties of rice. Rice is currently classified in the *Tariff Schedules of the United States, Annotated* (TSUSA) under items 130.5000, 130.5600, 130.5800, 131.3000, and 131.3300 according to the type and level of processing.

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in Thailand of rice receive benefits under the following programs which constitute bounties or grants. We are initiating an investigation on the following allegations:

- Export Packing Credits
- Tax Certificates for Exports
- Price Support and Stabilization Program
- Various Government Benefits to Rice Production

Provision of Fertilizer at Subsidized Prices and

Preferential Financing to Farmers to Purchase Fertilizer

Preferential Financing for Agricultural Inputs

- Construction of Roads and Irrigation Facilities For Rice Producers (which may be limited to a specific enterprise or industry, or group of enterprises or industries)
- Investment Promotion Act
- Incentives for International Trading Companies
- Export Processing Zones
- Rediscounting of Industrial Bills
- Electricity Discounts for Exporters
- Tax Exemption for Promoted Industries
- Export Promotion Fund

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

October 15, 1985.

[FR Doc. 85-25023 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-007]

Circular Welded Carbon Steel Pipes and Tubes From Korea; Final Results of Changed Circumstances, Administrative Review and Revocation of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances, Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On August 20, 1985, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Korea and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the order and we are revoking the order. In accordance with the petitioner's notification, the revocation will apply to all circular welded carbon steel pipes and tubes exported on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or Stephen Munroe, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 33612) the preliminary results of its changed circumstances administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Korea (49 FR 19369-70, May 7, 1984). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of circular welded carbon steel pipes and tubes. Such merchandise is currently classifiable under items 610.3231, 610.3232, 610.3241, and 610.3244 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Final Results of the Review and Revocation

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received on comments.

As a result of this review, we determine that the domestic interested parties are no longer interested in

continuation of the antidumping duty order on circular welded carbon steel pipes and tubes from Korea and that the order should be revoked on this basis.

Therefore, we are revoking the order on circular welded carbon steel pipes and tubes from Korea effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after October 1, 1984, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of circular welded carbon steel pipes and tubes from Korea which were exported prior to October 1, 1984. The Department will cover any entries not covered in a prior administrative review and exported prior to October 1, 1984, in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1,675(b), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: October 11, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-23783 Filed 10-18-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-010]

Rectangular Welded Carbon Steel Pipes and Tubes From Korea; Final Results of Changed Circumstances, Administrative Review and Revocation of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances, Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On August 20, 1985, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on rectangular welded carbon steel pipes and tubes from Korea and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the order and we are revoking the order. In accordance with the petitioner's notification, the revocation will apply to all rectangular welded carbon steel pipes and tubes exported on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or Stephen Munroe, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 33614) the preliminary results of its changed circumstances administrative review of the antidumping duty order on rectangular welded carbon steel pipes and tubes from Korea (49 FR 20045, May 11, 1984). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of rectangular welded carbon steel pipes and tubes. Such merchandise is currently classifiable under item 610.4975 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Final Results of the Review and Revocation

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments.

As a result of this review, we determine that the domestic interested parties are no longer interested in continuation of the antidumping duty order on rectangular welded carbon steel pipes and tubes from Korea and that the order should be revoked on this basis.

Therefore, we are revoking the order on rectangular welded carbon steel pipes and tubes from Korea effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after October 1, 1984, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of rectangular welded carbon steel pipes and tubes from Korea which were exported prior to October 1, 1984. The Department will cover any entries not covered in a prior administrative review and exported prior to October 1, 1984, in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b),(c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: October 11, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-25031 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-05-M

Short Supply Review on Certain Carpet Nails; Supplemental Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Supplemental Request for Comments.

SUMMARY: The Department of Commerce hereby announces its review of a supplemental request for a short supply determination under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products with respect to certain small machine quality carpet nails used in the manufacture of tackless strips for the installation of carpet.

EFFECTIVE DATE: Comments must be submitted no later than October 31, 1985.

ADDRESS: Send all comments to Joseph A. Spetrini, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW, Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave. NW, Washington, D.C. 20230, Room 3709, (202) 377-1102.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products provides that if the U.S. ". . . determines that because of abnormal supply or demand factors, the United States steel industry will be unable to meet demand in the United

States of America for a particular category or sub-category (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such category or sub-category. . . ."

In connection with a request for a short supply review on certain carpet nails, as published in the **Federal Register** on August 27, 1985, we have received a supplemental short supply request for the following additional types and sizes of Temper Hardened Concrete Nails conforming to AISI standards C 1040 or C 1045 in the following dimensions:

(a) ½ inch in length, 12 gauge, with a head size of 7/32 inch,

(b) 1 3/16 inch in length, 12 gauge, with a head size of 7/32 inch,

(c) ½ inch in length, 10 gauge, with a head size of 7/32 inch,

(d) 5/8 inch in length, 10 gauge, with a head size of 7/32 inch,

(e) ¾ inch in length, 10 gauge, with a head size of 7/32 inch,

(f) acoustical screw nails, 1¼ inch in length 12 gauge, with a head size of 7/32 inch,

(g) cadmium plated, silver or gold colored screw nails, 1¼ inch in length, 12 gauge, with a head size of 7/32 inch.

These products are used in the manufacture of tackless strips for the installation of carpet.

Parties interested in commenting on any of these products in the dimensions described in a) through g) above should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly label the business proprietary portion of the submission and also include with it a submission without proprietary information which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

October 15, 1985.

[FR Doc. 85-25025 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

National Weather Service; Next Generation Weather Radar Joint System Program Office; Construction and Operation of Next Generation Weather Radar (NEXRAD)

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Record of decision.

SUMMARY: The Record of Decision published in the Federal Register of Tuesday, October 15, 1985 (50 FR 41721), is superseded by this Record of Decision. The National Oceanic and Atmospheric Administration (NOAA) has decided to proceed with its plan to install and operate a new Doppler weather radar system called the Next Generation Weather Radar (NEXRAD) system. NOAA has determined that construction and operation of the NEXRAD system will have significant adverse environmental impacts. All anticipated effects are already minor or can be limited to minor impacts. Careful attention to environmental site selection criteria and site layout will ensure that avoidable impacts are, in fact, avoided and that other impacts are minimized.

SUPPLEMENTARY INFORMATION:

Alternatives

The following alternatives to the proposed NEXRAD system were considered:

—No action or postponement of the action
—Continuation of the existing system
—New non-Doppler system
—New coherent non-Doppler system
—Mixed system of new Doppler and non-Doppler radars
—Environmental satellite system.

From an operational point of view, none of the preceding alternatives is capable of meeting the goals established for the NEXRAD system. If the existing system were continued, the weather radars used by the National Weather Service and the Department of Defense would be renovated and modernized. Nevertheless, such renovation and modernization would not meet existing severe weather and aircraft safety requirements.

The alternatives of establishing a new non-Doppler radar system or a new coherent non-Doppler system would result in a significant improvement in reliability and maintenance cost-effectiveness. However, the severe weather warning and aircraft safety improvements attainable with Doppler technology would not be realized.

A mixed system of new Doppler and non-Doppler radars would add to the initial system cost and to the recurring annual cost, and, hence, to the life-cycle cost of the system. The complexities of a mixed system and the loss of some capability further reduce the apparent value of this alternative.

Finally, the environmental satellite system requires development of new sensors, which are not expected to become available in time to meet current weather data requirements.

Thus, each alternative to the proposed action suffers from one or more deficiencies: it would fail to meet severe weather and aircraft safety requirements; it would be less cost-effective; or it would be impractical because key technologies have not been developed.

The environmental impacts of the NEXRAD system can be avoided only by not proceeding with the action. The alternatives involving various combinations of Doppler and non-Doppler radars would all cause essentially the same environmental impacts as the proposed action. The satellite alternative would have different impacts which cannot be judged with available information.

The proposed NEXRAD system represents a needed major improvement over the capability of existing weather radars, especially the accuracy, timeliness, and credibility of severe weather warnings. Because alternatives have essentially the same impacts, none is environmentally preferable. Overall, the proposed action is the preferred course of action.

Mitigation

All practical means to avoid or minimize environmental harm have been or will be adopted. The basic capabilities and equipment comprising the NEXRAD system are known well enough to judge their potential impacts in general terms. However, all sites at which the radars will be located have not been selected, so it is not yet possible to assess whether potentially significant impacts will occur at a particular location. To accommodate this uncertainty the NEXRAD program includes a provision to prepare addenda or supplements, known as Environmental Assessments (EA) to the Programmatic Environmental Impact Statement (EIS).

An EA will be prepared for a particular site if the results of a preliminary site survey show that a supplementary assessment is needed. An assessment will be appropriate if particular site features or necessary

variations in the site plan raise the possibility of significant adverse impacts that were not anticipated in the Programmatic EIS. If the site is highly desirable from other points of view, an EA will be prepared using additional information gathered during an in-depth site survey.

Site selection and evaluation will be a three step iterative process in which each site is examined in progressively greater detail. Environmental considerations will be one subset of the evaluation criteria.

An initial environmental analysis will determine the need for special environmental design and identify sites that may require the preparation of a site-specific environmental assessment. The initial site assessment will include the identification of environmental issues associated with each site. For new sites, a full range of possible issues will be considered. At existing sites, many environmental issues will have been precluded by prior development, and only a limited number of residual issues, such as electromagnetic radiation hazards and aesthetics, may be significant.

The preliminary site survey will verify, by direct observation, the inferences made during the initial site assessment. A survey team will gather information about site features and environmental conditions that relate to possible environmental impacts. This information will be used to determine the need for an environmental assessment for the site.

Additionally, more detailed environmental information will be gathered as part of the in-depth site survey where the preliminary site survey indicates the likelihood of significant adverse impacts. Data in hand will be expanded and updated through field observations and interviews. Environmental sampling and measurement will be carried out, if needed, to resolve environmental issues. Specific mitigating measures will be identified and incorporated into site development and operation plans including, if appropriate, a monitoring and enforcement program.

Explicit guidance on these issues will be provided to the site survey teams. Federal, state, and local environmental protection and resource conservation agencies will be consulted throughout the process. Information on required permits and other approvals will be gathered beginning with the preliminary site survey for each site. Complete requirements will be determined during the in-depth site survey.

References

U.S. Department of Commerce, Final Programmatic Environmental Impact Statement, Next Generation Weather Radar, R400 PE201, November 1984.

Sidney J. Everett, "Analysis of the Optimal Mix of Doppler and Non-Doppler Weather Radars," SRI International, Prepared for the NEXRAD Joint System Program Office, May 1985.

FOR FURTHER INFORMATION CONTACT: Mr. John Porter, NEXRAD JSPO, Wx7, National Weather Service, 8060 13th Street, Silver Spring, MD 20910, 301–427–7988.

Dated: September 27, 1985.

John R. Porter,

Chief, Facilities, NEXRAD Joint System Program Office.

[FR Doc. 85–25014 Filed 10–18–85; 8:45 am]

BILLING CODE 3510–12–M

New England Fishery Management Council; Public Meeting

The New England Fishery Management Council will convene a public meeting, October 23, 1985, from 9 a.m. to 4 p.m., at the Sheraton Tara, at Ferncroft, Route 1, Danvers, Mass. to discuss reports of the enforcement/gear conflicts, foreign fishing, United States/Canada, large pelagics, and lobster committees; discuss the advisors' meeting of the International Commission for the Conservation of Atlantic Tunas, the annual meeting of the Atlantic States Marine Fisheries Commission, the ad hoc committee report on management issues, as well as discuss other fishery management and administrative matters. For further information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, MA 01906; telephone: (617) 231–0422.

Dated: October 16, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85–24994 Filed 10–18–85; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meeting

The Western Pacific Fishery Management Council's Spiny Lobster Plan Development Team will convene a public meeting on October 16, 1985, at 1 p.m., at the Council's office, to review amendment No. 3 to the Spiny Lobster Plan which eliminates the 15 percent allowance on undersized spiny lobsters and establishes a single minimum tail width measurement of 4.8 centimeters. The teams will also discuss the economic condition of the fishery. For further information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: October 16, 1985.

Richard B. Roe,

Director, Office of Protected Services and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85–24995 Filed 10–18–85; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Application for Permit; Dr. James T. Staley

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
   a. Name Dr. James T. Staley (P370)
   b. Address Department of Microbiology and Immunology SC-42, University of Washington, Seattle, Washington 98195.
2. Type of Permit: Scientific Research.
3. Name and Number of Marine Mammals:
   Crabeater seal (*Lobodon carcinophagus*)—5
   Weddell seal (*Leptonychotes weddelli*)—5
4. Type of Take: The animals will be taken by sacrifice.
5. Location of Activity: Palmer Station, Antarctica vicinity.
6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of

such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above applicant are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: October 10, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-25026 Filed 10-18-85; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Agency Information Collection Activities Under OMB Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Correction of Military or Naval Records, DD Form 149.

The DD Form 149 allows an applicant to request correction of a military or naval record. It provides active service members and former service personnel who feel they have suffered an injustice as a result of their military service and desire to file an appeal.

Individuals or households

Responses: 34,000

Burden Hours: 17,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone number (202) 746-0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Mr. Herbert F. Ewert, DAIM-ADI-M, Room 1C638, The Pentagon, Washington, DC 20310-0700, telephone (202) 604-0754.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 16, 1985.

[FR Doc. 85-25034 Filed 10-18-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP85-241-001 et al.]

Natural Gas Certificate Filings; Trailblazer Pipeline Company et al.

Take notice that the following filings have been made with the Commission:

1. Trailblazer Pipeline Company

[Docket No. CP85-241-001]

October 7, 1985.

Take notice that on September 17, 1985, Trailblazer Pipeline Company (Trailblazer), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-241-001 an amendment to its pending application in Docket No. CP85-241-000 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible transportation Rate Schedule ITS, to reflect a change in the proposed floor rate to the Rate Schedule T commodity rate, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Trailblazer originally proposed an interruptible transportation Rate Schedule ITS that, it was stated, would allow Trailblazer price flexibility when negotiating with prospective shippers who desire best-efforts transportation. Rate Schedule ITS, it is explained, would be applicable to any interstate or intrastate pipeline, independent producer, local distribution company or end-user who desire a best efforts type transportation service.

Trailblazer is proposing to change the floor for Rate Schedule ITS from the Rate Schedule T demand rate divided by 30.4 (currently 34.28 cents per Mcf) to its Rate Schedule T commodity rate (currently 32.34 cents per Mcf). Trailblazer states that this lower floor rate will enable it to compete better for for short-term transportation volumes and that such floor rate would still be in excess of any incremental costs attributable to such an interruptible transportation.

Comment date: October 28, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice. All persons who have heretofore filed need not file again.

2. Southern Natural Gas Company

[Docket No. CP84-342-002]

October 7, 1985.

Take notice that on August 21, 1985, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP84-342-002, an amendment pursuant to section 7(c) of the Natural Gas Act to its application in Docket No. CP84-342-000 so as to implement a customer transportation program (program) on its system, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

To implement the proposed program, Applicant seeks the following authorizations: (1) a blanket limited-term certificate of public convenience and necessity with pregranted abandonment authorizing Applicant to perform the transportation services described in this filing; (2) blanket limited-term authorization of partial abandonments of certain certificated producer sales to Applicant; (3) a blanket limited-term certificate of public convenience and necessity with pregranted abandonment authorizing the sale of such partially abandoned gas to Shippers under its Program; and (4) blanket limited-term certificates of public convenience and necessity with pregranted abandonment authorizing interstate pipelines other than Applicant to transport gas on behalf of any eligible customer under Applicant's program.

It is stated that on March 22, 1984, Applicant filed with the Commission a stipulation and agreement which resolves or reserves for hearing all remaining issues in Applicant's general

rate proceeding in Docket No. RP83–58–001, as well as certain issues in other rate and purchased gas adjustment proceedings. Applicant states that this application is submitted in accordance with Article XIII of the stipulation and agreement which provides, in pertinent part:

(1) Applicant shall file an application for a certificate of public convenience and necessity, together with a request for temporary certificate authority, seeking Commission authorization for a transportation program on its system. Such filing shall be made within 15 days of the date Applicant files this Agreement with the Commission for comments.

(2) The parties agree that all issues relating to transportation on Applicant's system shall be set for hearing in the separate Section 7 certificate proceeding provided for herein; provided, however, that no party shall be prejudiced in any manner or precluded from asserting any position whatsover by subparagraph (1) of this Article XIII with respect to the transportation proposed therein or from advancing any other proposals for tariffs and rate schedules relating to transportation.

(3) . . . [A]ll issues in respect to the treatment of revenues received by Applicant for transportation pursuant to either (i) the transportation program to be filed under this Article XIII or (ii) Part 284 of the Commission's Regulations or the Commission's orders in Docket Nos. RM81–19 or RM81–29, to, or on behalf of, any customer served directly or indirectly by Applicant shall be set for a hearing in accordance with subparagraph (2) of this Article, except as to Applicant's right to retain revenues included in Account No. 489 for any individual transporation services performed by Southern pursuant to specific authorization from the Commission under section 7(c) of the Natural Gas Act.

Applicant states that pursuant to Article XIII of the stipulation and agreement it filed its original application in this proceeding on April 9, 1984, seeking authorization to implement a program on its system for a term of one year. It is stated that subsequent to that filing, numerous interventions and protects were filed raising various issues with respect to the services proposed in that application as well as the terms and conditions relating thereto.

Applicant states that in order to permit the immediate, interim implementation of at least limited transportation services by Applicant on behalf of its customers, while at the same time affording the parties to the proceeding the opportunity to litigate certain issues related to transportation on its system, the parties in this peoceeding entered into a further stipulation and agreement on April 25, 1985, approved by the Commission by letter order of July 9, 1985. Under the stipulation and agreement, it is explained that Applicant would agree to transport gas for a term of one year for any Rate Schedules OCD or G customer of Applicant acting on behalf of one of its industrial end-users or any industrial end-user connected directly to its system.

Applicant states that because of new developments since the original application in this proceeding was filed, amendments must be filed to provide for the revised program described herein.

In order to implement its proposed transportation program, Applicant requests a blanket cetificate of public convenience and necessity for a term of one year, with pregranted abandonment, authorizing it to perform transportation services for customers under its OCD or G sale rate schedules, for purchasers or end-users served directly or indirectly by its OCD or G customers and for end-users served by Applicant directly (shipper) pursuant to the terms and condition of the Customer Transportation Service Rate Schedule TS. The program provides for the transportation of gas which a shipper purchases directly from a producer-supplier of Applicant. Applicant also requests limited-term blanket certificates and authorizations on behalf of its producer-suppliers which elect to participate in the program permitting for a term of one year the partial abandonment and sale to shippers of certain volumes of gas currently being sold to Applicant by its producer-suppliers pursuant to certificates of public convenience and necessity which have a maximum lawful price that is greater than that prescribed by section 109 of the Natural Gas Policy Act of 1978 (NGPA). Applicant finally requests a blanket limited-term certificate of public convenience and necessity with a one-term certificate of public convenience and necessity with a one-year term authorizing pipelines other than Applicant to transport gas on behalf of any eligible shipper under its program.

Applicant states that as with its original filing in this proceeding, the major objective of the revised program is to provide transportation services which will not be detrimental to its system as a whole, including all of its customers which do not utilize the program. Applicant submits that the program serves the interests of the customers which would use the program while affording protection to its system as a whole. It is explained that the program includes reductions in Applicant's take-or-pay liabilities for volumes purchased from Applicant's producers and transported hereunder, payment of a take-or-pay surcharge in certain situations, and the recovery of a fully allocated portion of the system's fixed costs through the rates for such transportation services.

Applicant states that the revised program is available to any shipper for the transportation on an interruptible basis, of gas which the shipper purchases directly from Applicant's producer-suppliers or from off-system suppliers. Applicant further proposes that it may temporarily release committed gas supplies for periods of up to one year to be sold by its producer-suppliers directly to eligible shippers under the program, but Applicant explains it would not be required to release any committed supplies (1) unless the maximum lawful price prescribed for such gas prior to the release (exclusive of any adjustments authorized by section 110 of the NGPA) is greater than the maximum lawful price prescribed by section 109 of NGPA; (2) which are subject to prior advance payments by Applicants; or (3) where Applicant determines that such a release would impair its ability to maintain current service on its system. Also, no gas supplies for which abandonment authorization is required would be released unless Applicant receives take-or-pay relief and/or make-up credits for the released volumes purchased by shipper, it is said. Applicant states that uncommitted gas supplies as well as gas purchased from off-system suppliers may also be transported under Applicant's program. It is submitted that any volume transported for which Applicant does not receive take-or-pay credit would be, unless exempted, subject to a take-or-pay surcharge of 34.0 cents per million Btu, unless shipper for whom such volumes are transported submits an affidavit to Applicant each month during the term of the service establishing that the volumes during such month represent natural gas requirements that are being or will be served by an alternative fuel or gas sold by an alternative supplier and delivered to shipper through facilities other than Applicant's.

Applicant states that under the program shipper would deliver natural gas or cause gas to be delivered to a delivery point on Applicant's pipeline system and that all costs of delivering gas to such points would be borne by the shipper. Applicant indicates that it would transport and redeliver to or on behalf of a shipper a thermally equivalent quantity (less 3.25 percent retained by Applicant for fuel and company-used gas; less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and

less the shipper's *pro-rata* share of any gas delivered for the shipper's account which is lost or vented) at the points specified in the service agreement between Applicant and the shipper.

Applicant states that for its sales customers which pay separate demand and commodity charges (and end-users of purchasers which utilize the existing distribution facilities of such customers to obtain delivery of the transportation volumes), it would charge the following rates per million Btu for transportation to a delivery point within the rate zone indicated, to the extent that the volumes transported, when added to the customer's sales volumes, do not exceed the customer's contract demand: 20.25 cents in Zone 1; 41.15 cents in Zone 2; and 49.45 cents in Zone 3. If the volumes exceed the customer's contract demand, Applicant states that it would charge the following rates per million Btu: 36.05 cents in Zone 1; 66.15 cents in Zone 2; and 78.85 cents in Zone 3. It is submitted that such rates would also be applicable to all other shippers and that the foregoing rates have been agreed to in Docket Nos. RP83-58-001, *et al.*

Applicant states that it expects it would obtain delivery of, and redeliver, the gas transported under the program primarily through its existing facilities which interconnect with its sources of gas supply and its existing delivery points to Applicant's customers. However, since the program is available for the transportation of gas from off-system suppliers, which is delivered to Applicant's pipeline system, certain additional, minor facilities may be required in order to effectuate the receipt into Applicant's system of volumes to be transported under the program, it is said. The form of service agreement provides that the shipper would reimburse Applicant for all costs incurred in constructing or installing any additional minor, incidental facilities required to effect the delivery, redelivery or measurement of the gas transported hereunder.

It is indicated that Applicant would construct, install or operate such minor facilities incidental to the redelivery of transport volumes to shippers under the program pursuant to the notice and protest procedures of Subpart F of Part 157 of the Commission's Regulations and Applicant's blanket certificate of public convenience and necessity issued on September 1, 1982, in Docket No. CP82-406. It is claimed, however, that minor facilities incidental to the receipt of gas delivered to Applicant's system for transportation under the program may not qualify for construction under Applicant's blanket certificate since the gas received through such facilities is destined for the system supply of the shipper, not Applicant. Accordingly, Applicant requests blanket authorization to construct, install and operate any minor, incidental facilities for the receipt of gas delivered to its system for transportation under the program in accordance with the procedures and requirements of Subpart F of Pat 157 of the Regulations for gas supply facilities.

Applicant states that §§ 157.24 and 157.25 of the Commission's Regulations require certain specific information to be submitted by an independent producer in an application to engage in a new sale of natural gas for resale in interstate commerce, and that, similarly, § 157.30 of the Commission's regulations sets forth the filing requirements for independent producers seeking to abandon any service of facilities subject to the jurisdiction of the Commission. Applicant submits that good cause exists for a waiver of the filing requirements of §§ 157.24, 157.25 and 157.30 of the Regulations in this instance for a number of reasons.

(1) It is asserted that the blanket partial abandonment authorizations and blanket certificates sought herein are for a limited term and a limited purpose: to permit the release and sale for periods of up to one year of certain certificated supplies of NGPA sections 102(d) and 107(c)(5) gas to be transported pursuant to the pogram.

(2) In order for the program to be viable, Applicant states that its producers must be able to enter into arrangements with shippers for the sale of gas released by Applicant without the delays that would result if individual abandonment and certificate applications were required for each separate transaction. Applicant asserts that overall interests of its pipeline system are best served through the transportation of released gas from its producer-suppliers because of the take-or-pay relief and make-up credits obtained with respect to such volumes.

(3) Applicant would undertake to provide monthly reports which would include data essentially comparable to the information required by §§ 157.24, 157.25 and 157.30.

Applicant proposes that the Commission grant the certificates and authorizations requested herein subject to the following reporting requirements:

(a) Within thirty days of the partial abandonment of any certificated sales by Applicant's producers in connection with the release of gas to be sold directly and transported under the program, Applicant would mail to the Commission and to all parties a copy of the limited release executed by Applicant and its producers.

(b) Applicant would mail reports to the Commission and to all parties monthly within 45 days after each month this program is in effect, regarding transportation under the program in the previous month. Such reports would set forth the following information: the volumes of gas released; the volumes, by NGPA category, of gas released; the price paid by Applicant for the released gas during the most recent month prior to the release of such gas; an estimate in dollars of the amount of take-or-pay relief afforded to Applicant in connection with gas transported under this program; the name of each purchaser of released gas and the price and volumes of released gas purchased by such purchaser; the total volumes transported under the program; and the total charges for transportation under the program.

Comment date: October 28, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice. All persons who have heretofore filed need not file again.

3. Southern Natural Gas Company

[Docket No. CP85-873-000]

October 7, 1985.

Take notice that on September 12, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, (collectively referred to as Applicants) filed jointly in Docket No. CP85-873-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Southern and United pursuant to the terms of an exchange agreement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to perform an exchange service pursuant to the terms and conditions of the exchange agreement between Southern and United, dated May 27, 1983, as amended January 1, 1984, and July 26, 1984. Applicants state that United has arranged to purchase certain quantities of gas from (1) Chevron U.S.A. Inc., *et al.*, and Natomas North America, Inc., *et al.*, from the Chevron-Rigolets Gun Club No. 1 Well in Orleans Parish, Louisiana, and the Natomas S.L. 7951 No. 1 Well in St. Bernard Parish, Louisiana, (2) Alabama Methane Production Company

(AMPCO) from the AMPCO Coal Seam Project in Tuscaloosa County, Alabama, and (3) Pogo Producing Company, *et al.*, from Breton Sound Area Block 23, offshore Lousisiana.

Applicants state that Southern has agreed to receive for exchange a daily aggregate quantity of gas of up to 10 billion Btu purchased by United from the above-referenced sources and made available to Southern at (1) the existing point of interconnection between United's 6-inch pipeline facilities and Southern's 12-inch Fort Pike lateral line located in Orleans Parish, Louisiana, (2) Southern's Tuscaloosa No. 2 Measuring Station located in Tuscaloosa County, Alabama, and (3) the existing point of interconnection between pipeline facilities jointly owned by United and Southern extending from Breton Sound Area Block 23 and Southern's 6-inch pipeline located in Breton Sound Area Block 22, offshore Plaguemines Parish, Louisiana.

Southern states that it would effect the exchange of gas with United by (1) causing Sea Robin Pipeline Company (Sea Robin) to deliver to United for its account gas that Sea Robin currently delivers for Southern's account at the point of interconnection between the facilities of United and Sea Robin near the outlet of the Sea Robin processing plant located in Vermilion Parish, Louisiana; (2) having gas that may be made available for Southern's account be made available to United for United's account at the point of interconnection between the facilities of United and Natural Gas Pipeline Company of America (Natural) at Natural's existing metering facilities located near the outlet of the Texaco Henry plant in Vermilon Parish, Louisiana; and (3) causing Koch Hydrocarbon Company (Koch) to deliver to United for its account gas Koch currently delivers for Southern's account at the point of interconnection between the facilities of United and Koch near the outlet of the Koch Harmony plant in Clarke County, Mississippi.

Applicants state that the proposed exchange services would be performed on an interruptible basis and would be subject to the availability of sufficient capacity for United and Southern to perform the services without detriment or disadvantage to their respective customers which are dependent on their general system supply. Applicants further state that the exchange service would be subject to availability of excess capacity in the respective operating conditions and the system requirements of United and Southern.

Applicants state that the exchange of gas as proposed would be mutually beneficial to United and Southern and, accordingly, no fee would be charged for the proposed exchange services.

Comment date: October 28, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Equitable Gas Company, a division of Equitable Resources, Inc.; Kentucky West Virginia Gas Company

[Docket No. CP85-876-000]

October 7, 1985.

Take notice that on September 11, 1985, Equitable Gas Company, a division of Equitable Resources, Inc. (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, and Kentucky West Virginia Gas Company (Kentucky West), 800 Plaza Building, Ashland, Kentucky 41101, filed in Docket No. CP85-876-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Equitable (1) to continue its storage service for Kentucky West under Rate Schedule SS-1 until November 1, 1986; (2) to provide a firm storage service for seven distribution companies under Rate Schedule SS-2 from April 1, 1986, until November 1, 1986, and to continue such service under Rate Schedule SS-3 commencing November 1, 1986; and (3) to provide a firm transportation service under Rate Schedule STS-1 concurrent with said storage service. Kentucky West requests authorization to sell to the seven distribution companies *pro rata* shares of 3,700,000 Mcf of natural gas in place in Equitable's storage facilities on November 1, 1986. These proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

Equitable states that it is currently storing gas in its storage facilities under Rate Schedule SS-1, pursuant to Equitable's blanket certificate issued in Docket No. CP83-508-000, and that Equitable and Kentucky West have agreed to continue this service until November 1, 1986.

Equitable states that it has entered into gas storage and transportation agreements with seven distribution companies. It is further stated that Kentucky West has entered into gas purchase agreements with those same companies under which those companies agree to purchase a total of up to 3,700,000 Mcf of Kentucky West's gas in place in Equitable's storage facilities on November 1, 1986. The following table sets forth the purchase quantity and the storage capacity assigned to each customer:

Company	Percentage of sale and storage capacity (percent)	Kentucky West Sale (MMcf	Storage capacity (MMcf)
Public Service Electric & Gas Co	32.57	1,198	2,570
The Brooklyn Union Gas Co	20.40	755	1,620
Philadelphia Electric Co	15.74	582	1,250
New Jersey Natural Gas Co	12.59	466	1,000
Philadelphia Facilities Management Corp. (as operator and manager of Philadelphia Gas Works)	6.30	233	500
Elizabethtown Gas Co	6.30	233	500
South Jersey Gas Co	6.30	233	500
Total	100.00	3,700	7,940

It is further stated that, since only 4,240,000 Mcf of the total 7,940,000 Mcf capacity would be available for storage injections April 1, 1986, it is proposed that the Rate Schedule SS-2 injection and storage space rates be approved for the limited period of April 1, 1986, to November 1, 1986 (the injection period as defined in the parties' gas storage and transportation agreements), thereby permitting utilization of the available 4,240,000 Mcf of capacity prior to the purchase in place of the 3,700,000 Mcf of gas from Kentucky West on November 1, 1986. Equitable states that after November 1, 1986 (the start of the withdrawal period as defined in the gas storage and transportation agreements), when the entire 7,940,000 Mcf of capacity would be available, then the newly proposed Rate Schedule SS-3 would be applicable for all injection, storage, and withdrawal charges.

Equitable states that in order to provide the proposed firm storage service, equitable would need to modify certain facilities at its Pratt compressing station 47 located in Franklin Township, Greene County, Pennsylvania, for an estimated cost of two million dollars.

It is stated that Kentucky West would sell the 3,700,000 Mcf of natural gas at a price which would be the highest of the following:

(1) $3.55 per million Btu plus an additional $0.50 per million Btu as reimbursement for Kentucky West's cost associated with its transportation, injection and storage of the gas;

(2) Kentucky West's system average load factor rate per million Btu; or

(3) Kentucky West's average Natural Gas Policy Act of 1978 Section 102 gas acquisition cost per million Btu.

It is stated that the companies' obligation to purchase the gas ceases if the price on November 1, 1986, exceeds $4.05 per million Btu and also exceeds the commodity price of gas under Transcontinental Gas Pipe Line Corporation's FERC Gas Tariff, Rate

Schedule CD-3 by more than $0.30 per million Btu.

In addition, Equitable proposes to establish Rate Schedule STS-1 to provide firm transportation service in conjunction with the proposed storage service. Equitable requests authorization of Rate Schedule STS-1 effective April 1, 1986, in order that gas may be transported for the injection of up to 4,240,000 Mcf into Equitable's storage facilities. It is stated that Texas Eastern Transmission Corporation (Texas Eastern) would transport gas to and from Equitable's storage facilities. Equitable proposes to receive or deliver the gas to Texas Eastern at an existing interconnection with Texas Eastern at M&R station 009 near Waynesburg, Greene County, Pennsylvania, or at other mutually agreeable existing interconnection as would be established in the future. It is stated that South Jersey Gas Company (South Jersey) has requested that receipt and delivery of its storage gas be arranged through Consolidated Gas Transmission Corporation (Consolidated). Equitable states that, to accommodate this request, it would receive and/or deliver gas to Consolidated for South Jersey's account at an existing interconnection between the facilities of Equitable and Consolidated at Equitable's Pratt compressing station 47, Franklin Township, Greene County, Pennsylvania.

Comment date: October 28, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Algonquin Gas Transmission Company

[Docket No. CP85-911-000]

October 7, 1985.

Take notice that on September 25, 1985, Algonquin Gas Transmission Company (Algonquin Gas), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP85-911-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing two new limited-term interruptible transportation and sales services all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that recent developments in Algonquin Gas' market area have made existing certificated sales services uneconomic for some markets, particularly interruptible purchase markets, of many Algonquin Gas' distribution company customers. Algonquin Gas' distribution company customers, it is said, are thus sometimes unable to sell gas available under Algonquin Gas' present sales rate schedules, particularly interruptible gas services, in the quantities that would be sold if the city-gate price were at more competitive levels.

It is said that because Algonquin Gas' sales services are predicated upon underlying service from pipeline suppliers, Algonquin Gas is unable to adjust or control the price of the underlying supply. To provide its customers with an alternative, Algonquin Gas is proposing to provide interruptible transportation services under Rate Schedule IT-1 for distribution company customers or end-users able to secure low-cost gas suppliers and to arrange for such supplies to be received into Algonquin Gas' pipeline system at any existing point of interconnection. Algonquin Gas proposes then to transport such supplies to existing delivery points to its distribution company customers or to delivery points for other customers desiring such service.

In addition, Algonquin Gas is proposing to provide, under Rate Schedule 1-3, a new sales service based upon purchases from existing suppliers or short-term purchases from any source. Algonquin Gas, it is said, would, in consultation with its customers, obtain short-term supplies from any available source and cause such supplies to be delivered to Algonquin Gas' pipeline system at any existing point of interconnection. It is said further that Algonquin Gas would sell the interruptible "spot" gas at existing delivery points to its distribution company customers or at delivery points for other customers during such service.

Algonquin Gas states that the proposed Rate Schedule IT-1 provides for interruptible transportation of gas for existing Algonquin Gas customers and for other customers, including end-users, connected directly or indirectly with Algonquin Gas' system, when the customer has executed a service agreement for Rate Schedule IT-1 service. It is said that the customer may obtain a gas supply and arrange for the delivery of such supply to agreed receipt points on the Algonquin Gas system, and Algonquin Gas would transport the gas, on an interruptible basis, to agreed delivery points of Algonquin Gas to the customer. It is further said that all upstream purchase and transportation arangements, and the costs associated with them, would the be responsibility of the customer requesting service under this rate schedule. It is said that the service would be rendered from existing Algonquin Gas pipeline facilities, including existing delivery points to each participating customer. Algonquin Gas states that it currently has no direct connections with end-users or others not currently Algonquin Gas customers. It is stated that in appropriate cases, however, Algonquin Gas would be willing to establish new receipt or delivery points to provide service to customers for transportation service under this rate schedule.

It is said that there is a provision for fuel reimbursement in Rate Schedule IT-1. For current on-system customers, fuel would be charged at the rate of 1.3% of guantities received into Algonquin Gas' system during the period, November 16 through April 15. For the remainder of the year the customer would pay for its share of actual daily compression fuel utilized by Algonquin Gas priced at Algonquin Gas' Rate Schedule I-1 charge; or the customer may elect to provide fuel in kind at a specified percentage of gross quantities received in Algonquin Gas' system for the account of the customer, such percentage to be based on a recent month's experience. It is further said that for new customers, fuel would be charged year round at a uniform rate of 1.3% of quantities received into Algonquin Gas' system. Fuel reimbursement in kind would be accomplished by Algonquin Gas' delivering a quntity to its Rate Schedule IT-1 customer net of the fuel reimbursement.

Algonquin Gas, it is said, would charge a handling charge for service under Rate Schedule IT-1 and a GRI surcharge, currently 1.21 cents per MMBtu, where applicable. The handling charge would be applied to the delivered quantity. Similarly, any applicable GRI surcharge would be applied to the delivered quantity.

It is said that service rendered under this rate schedule may result in decreased service by Algonquin Gas under its Rate Schedules F-1 and I-1. Gas for those services, it is said, is obtained from Texas Eastern Transmission Corporation (Texas Eastern) under its Rate Schedules GS and DCQ, the latter being subject to certain monthly minimum bill provisions. Algonquin Gas states that it has no corresponding minimum bill requirements under Rate Schedules F-1 or I-1. Accordingly, it is said, there are provisions in Rate Schedule IT-1 acknowledging that Algonquin Gas would endeavor to purchase and resell sufficient quantities of gas to avoid incurrence of a minimum bill from Texas Eastern. It is stated that among actions available to Algonquin Gas to enable it to purchase and resell sufficient

quantities to avoid a minimum bill would be interruption of transportation under Rate Schedule IT–1. It is further stated that Rate Schedule IT–1 provides that no such interruption would occur for purposes of minimum bill management, however, if no minimum bill is being incurred, and further provides that existing Algonquin Gas customers would not be so interrupted if they individually are purchasing Rate Schedule F–1 and I–1 supplies at 40% load factor use of such customers' Rate Schedule F–1 maximum daily quantity. There is a further provision, it is said, which permits customers to reimburse Algonquin Gas for minimum bill costs incurred to preserve availability of Rate Schedule IT–1 service in all events.

It is stated that service under Rate Schedule IT–1 would be interruptible, subject to curtailment at any time. It is stated further that the sequence of curtailment of this and other interruptible services on Algonquin Gas' system is established by a new Section 29 to Algonquin Gas' General Terms and Conditions of its FERC Gas Tariff.

Algonquin Gas states that the proposed Rate Schedule I–3 provides for the sale by Algonquin Gas of interruptible gas supplies on a "spot", or day-to-day basis, as and when available. The Service would be available to any existing or new Algonquin Gas customer, when such customer has executed a service agreement for Rate Schedule I–3 service. Each month Algonquin Gas would determine the approximate quantity of gas expected to be available from existing suppliers or any short-term suppliers at an average price deemed marketable, taking into account the average cost of delivering the gas to its customers. Algonquin Gas would inform each Rate Schedule I–3 customer of the approximate quantity of gas expected to be available that month, and the approximate average price delivered to delivery points for that customer. It is further stated that subject to the availability of supply, transportation, and capacity on Algonquin Gas' system, Algonquin Gas would arrange for the purchase, transportation to Algonquin Gas' system, and sale of such quantities as Algonquin Gas' customers desire to purchase on a day-to-day basis. Algonquin Gas' customers, it is said, would have the opportunity but no obligation to acquire "spot" supplies.

This service would be rendered from existing Algonquin Gas pipeline facilities. The rate for "spot" sales under this rate schedule would consist of (1) the average price paid by Algonquin Gas for purchases of gas during the month, (2) reimbursement of the average cost of transporting "spot" gas to the Algonquin Gas system during the month, (3) Algonquin Gas' handling charge, and (4) a GRI surcharge, currently 1.21 cents per MMBtu, where applicable.

It is stated that the provision for fuel reimbursement in Rate Schedule I–3 is substantially identical to that in Rate Schedule IT–1, but also provides for whatever fuel reimbursement may be required by transporters delivering the gas to Algonquin Gas' system. Such fuel reimbursement would be accomplished by adjusting billing quantities as required.

It is said that as is the case with proposed Rate Schedule IT–1, service rendered under this rate schedule may result in decreased service by Algonquin Gas under rate Schedules F–1 and I–1. It is said further that accordingly, there are provisions in Rate Schedule I–3 parallel to Rate Schedule IT–1 explaining how Algonquin Gas would endeavor to avoid incurrence of minimum bill obligation and explaining Algonquin Gas and its customers' rights and options in the event a minimum bill obligation is incurred.

It is stated that service under Rate Schedule I–3 would be daily, as and when available, and fully interruptible at any time. It is further stated that the sequence of curtailment of this and other interruptible services on Algonquin Gas' system is established by a new Section 29 to Algonquin Gas' General Terms and Conditions of its FERC Gas Tariff.

It is stated that the new services being offered by Algonquin Gas would be integrated with existing services through certain changes in the General Terms and Conditions of Algonquin Gas' FERC Gas Tariff. These changes, it is said, are the minimum adjustments necessary to accommodate Algonquin Gas' existing structure of services to the new circumstances presented by the proposed general availability of new interruptible transportation sales services on the pipeline system.

Algonquin Gas states that it is amending Section 28, Gas Research Institute Charge Adjustment Provision, of its General Terms and Conditions to its FERC Gas Tariff, Second Revised Volume No. 1, to add references to the two new interruptible rate schedules proposed herein. In addition, in response to a concern voiced by several customers, it is said, Algonquin Gas would add new language to Section 28 to state clearly that the GRI charge would not be applied to a specific quantity of gas whenever such charge has already been applied to such quantity by another party, e.g., a supplier or upstream transporter. The new language is said to delineate explicitly Algonquin's normal practice under its currently effective Section 28.

Algonquin Gas states that it is also adding a new Section 29 to its FERC Gas Tariff General Terms and Conditions defining the relative priority of interruptible services offered by Algonquin Gas. This includes existing interruptible services as well as the two new interruptible services proposed herein. All interruptible services, it is said, are grouped in four priority classes. It is said that should requests for total interruptible services exceed the available capacity on any day, Algonquin Gas would provide such services as it is able to in the relative order of priority established in Section 29.

Algonquin Gas is proposing the new interruptible transportation and "spot" sales services on a limited term basis, to be effective through July 31, 1986. It is said that this date is the last day prior to the date upon which new rates are expected to be effective pursuant to Algonquin Gas' next general rate filing, which Algonquin Gas presently plans to file no later than the end of January 1986.

Algonquin Gas does not exclude the possibility of continuing interruptible transportation or sales services beyond July 31, 1986. Algonquin Gas would evaluate the results of operations under proposed Rate Schedules IT–1 and I–3 and determine whether to propose continuation of such services, perhaps with such modifications as experience indicates are required. At the moment, however, Algonquin Gas submits that a limited-term certificate would provide the opportunity for customers to obtain lower-cost supplies that may be available while allowing Algonquin Gas to determine whether its monthly minimum bill obligation to Texas Eastern can be met under vastly different operating conditions than have occurred in the past on the Algonquin Gas system.

Algonquin Gas proposes to charge rates for its services under Rate Schedule IT–1 and I–3 reflective insofar as possible of costs for similar services on the Algonquin Gas system.

For Rate Schedule IT–1, Algonquin Gas' charge would be as follows: For customers eligible for service under Rate Schedule T–1, $0.0482 per MMBtu during the period, April 16–October 31, and $0.2863 per MMBtu during the period, November 1–April 15; for other customers purchasing service under Rate Schedule F–1, $0.1617 per MMBtu

year round; and for all other customers, $0.2278 per MMBtu year round.

These rates for current customers are said to be drawn from presently effective interruptible services. For customers eligible for Rate Schedule T–1 service, the rates are said to correspond to the summer and winter T–1 overrun charges, respectively. For other existing customers, the charge is said to equal the Rate Schedule I–2 net margin effective March 1985, that is, the difference between the Rate Schedule I–1 charge and the cost of the underlying supply from Texas Eastern. For new customers not presently contributing to Algonquin Gas' system revenues through these or other services, the rate of $0.2278 per MMBtu is said to represent the fully allocated cost for Algonquin Gas to provide Rate Schedule F–1 service. Thus, it is claimed, on-system customers would contribute to system revenues on the basis of existing rates for comparable services, while new customers would pay a fully-allocated rate so as to provide benefits to existing system customers commensurate with the use new customers could make of the system.

For Rate Schedule I–3, Algonquin Gas proposes to charge an average rate for the cost of gas supplies and transportation of gas to the Algonquin Gas system, to be flowed through without gain or loss to Algonquin Gas, plus a charge for Algonquin Gas' service. The Algonquin Gas charges are as follows: For on-system customers, $0.1617 per MMBtu year round; for off-system customers, $0.2278 per MMBtu year round. For these sales services, there is not a parallel established rate specifically applicable to certain customers, as is the case with overrun transportation under Rate Schedule T–1. Therefore, the Rate Schedule I–1 margin was determined to be appropriate for all existing, or on-system, customers. As with Rate Schedule IT–1, all off-system customers would be charged the fully allocated rate based upon Rate Schedule F–1.

Algonquin Gas proposes to retain revenues during the limited period of these proposed new services and requires that any certificate issued authorizing services herein permit the retention of all revenues.

It is said that Rate Schedules F–1, I–1 and I–2 provide for the bulk of Algonquin Gas' firm and interruptible sales services. It is further said that the gas supply for both is exclusively from Texas Eastern, Algonquin Gas' principal supplier. Algonquin Gas states that the cost of this underlying supply is fixed according to Texas Eastern's FERC Gas Tariff rates. Algonquin Gas, it is said, has no control, then, over the underlying cost of gas supply for the bulk of its services. Recent competition from alternate fuels and other sources is claimed to have reduced interruptible sales below levels of the past year.

It is stated that introduction of the two new transportation and sales services is designed to permit Algonquin Gas or its customers to locate lower cost supplies to be transported to and then delivered by Algonquin Gas. If, as expected, such supplies are located, the combination of services under Rate Schedules IT–1 and I–3 are likely to displace service under Rate Schedules I–1, I–2 and F–1. It is further stated that the new services essentially would substitute for existing service, throught more efficient utilization of existing pipeline capacity, revenue retention is necessary and appropriate.

The two new services would be fully interruptible. It is stated that they are designed to provide maximum flexibility for the benefit of Algonquin Gas' customers, without disrupting firm service rights and obligations, and to make lower cost gas supplies available to the customers when such supplies can be found. As a result, it is said, no advance agreements have been reached for any gas supplies, and no precedent agreements have been executed providing for specific levels of service. Algonquin Gas proposes to offer access to the new interruptible services to any customer on a non-preferential basis, to execute service agreements allowing for transportation or sales of any qualifying gas supplies in quantities mutually agreeable to Algonquin Gas and the customer under the respective rate schedule, and to provide such interruptible services as capacity is available, all under the provisions of the applicable rate schedule and subject to new Section 29 of the General Terms and Conditions.

To accomplish this with maximum flexibility, Algonquin Gas requests that the Commission grant special permissions and waivers of its Regulations, and authorize these services on a flexible basis, as follows:

1. To premit Algonquin Gas to add or delete short-term gas supplies, as such supplies are available, for resale under Rate Schedule I–3;

2. To use any existing points of receipt on the Algonquin Gas system for interruptible receipt of gas for Rate Schedules IT–1 and I–3;

3. To permit Algonquin Gas to provide interruptible deliveries to Rate Schedule IT–1 and I–3 customers at any existing delivery points on the Algonquin Gas system.

4. To permit Algonquin Gas to begin or terminate service to qualifying customers under either of the proposed new rate schedules without the filing of individual certificate or abandonment applications, but subject to the terms of the service agreement between Algonquin Gas and the customer for such service, and to the reporting requirements proposed; and

5. To permit Algonquin Gas to flow through, on a current cost basis, all upstream charges associated with gas acquired and brought to the Algonquin Gas system for transportation under Rate Schedule IT–1 or for sale under Rate Schedule I–3.

In support of these requests, Algonquin Gas notes that in all events, services under the new rate schedules would be rendered only when they can be provided without impairment to firm services to existing customers. Thus, it is claimed, no existing customer would suffer any diminishment of firm service by Algonquin Gas. It is stated that existing interruptible services would be rendered along with the two new interruptible services on the basis of the relative priorities established in new Section 29 of the General Terms and Conditions. Thus, it is further claimed, no customer would be disadvantaged by the grant of the flexible authorization sought.

All customers for interruptible transportation and sales services proposed would have equal and non-preferential access to the services. There would be no difference in the quality of service provided, as the available capacity for interruptible services would be governed by new Section 29 of the General Terms and Conditions of Algonquin Gas' FERC Gas Tariff. It is said that all Rate Schedule IT–1 and I–3 services would have equal access to available capacity, and therefore any customer for these services, whether currently a customer of Algonquin Gas or not, would receive an apportionment of capacity based solely on the Rate Schedule IT–1 and I–3 maximum daily quantities reflected in the service agreements for such services.

It is also said that no additional pipeline facilities are required, and all receipts and deliveries would be made at existing receipt and delivery points. Should any new receipt or delivery point be required (for service under Rate Schedule IT–1, for example), or an increase in the capacity of an existing receipt or delivery point be necessary, Algonquin Gas states that it would apply for specific authority to make such changes.

Algonquin Gas further proposes to file a quarterly report to the Commission detailing services contracted for the rendered in the prior three-month period under Rate Schedules IT–1 and I–3. This report would include data on all related transportation services used to deliver gas to Algonquin Gas' system, as well as disclosure of all Rate Schedule IT–1 and I–3 services rendered by Algonquin Gas. With regard to service agreements, Algonquin Gas requests a waiver of the Commission's Regulations to allow for quarterly filings of executed service agreements in conjunction with the reports of transactions occurring during the prior three-month period.

Given the nature of these services, Algonquin Gas also requests corresponding authority for it to abandon any service under or related to Rate Schedule IT–1, such authority to coincide with the termination of the underlying supply of supplies for the services or the expiration of the service agreement for the service. Such termination date or dates would be specified in the respective service agreement for these services and would be reported to the Commission in the quarterly report. With respect to Rate Schedule I–3, which provides for interruptible "spot" sales by Algonquin Gas on a daily, as and when available basis Algonquin Gas requests authority to abandon such sales at any time suitable "spot" supplies are not available, or at the termination date of the service agreement for Rate Schedule I–3, whichever is earlier. Such abandonment authority, it is said, is particularly appropriate here, because the services proposed are subject to interruption at any time.

With respect to Rate Schedule I–3 Algonquin Gas proposes to obtain gas supplies and arrange for transportation to the Algonquin Gas system. Algonquin Gas proposes to flow through immediately to customers under this rate schedule the average cost of the gas supply and the average cost of any transportation required to have such gas delivered to Algonquin Gas' system, all based on the charges incurred by Algonquin Gas. This packaging of services, it is claimed, would simplify the process of locating low cost or supplemental supplies, bringing them to the Algonquin Gas system, and delivering them to Algonquin Gas' customers. It is said that in the event Algonquin Gas assists Rate Schedule IT–1 customers in arranging for transportation to the Algonquin Gas system, and incurs costs in doing so, such costs also would be flowed through directly to the Rate Schedule IT–1 customer on whose behalf the costs are incurred.

To accomplish this, Algonquin Gas requests that the Commission grant special permissions for those provisions of Rate Schedules IT–1 and I–3 which permit Algonquin Gas to flow through, on a current cost basis, all charges for gas supplies and upstream transportation. Such authority, it is said, is appropriate in light of Algonquin Gas' role as a conduit to facilitate bringing lower cost supplies to the Algonquin Gas system and is similar to other flow-through authority that has been granted to Algonquin Gas in the past.

Comment date: October 28, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. ANR Pipeline Company

[Docket No. CP85–889–000]

October 7, 1985.

Take notice that on September 18, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243 filed in Docket No. CP 85–889–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing ANR to transport and deliver natural gas on behalf of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR requests authority to transport and deliver natural gas on a best-efforts basis on behalf of Northern pursuant to a transportation agreement dated January 2, 1985, as amended March 4, 1985, between ANR and Northern. ANR states that the service would assist Northern in effecting delivery of off-system sales gas Northern is selling to Arcadian Corporation (Arcadian). It is indicated that the Commission issued a limited-term certificate of public convenience and necessity to Northern in Docket No. CP85–422–000 on July 22, 1985, authorizing the transportation and delivery by Northern to Arcadian and conditioning the certificate upon, among other things, receipt of all transportation and authorizations necessary for third-party transporters to transport the gas from Northern to Arcadian.

ANR states it would deliver gas to Acadian Pipeline System (Acadian) or Louisiana Resources Company (LRC) by diverting up to 45,000 dt equivalent of gas normally deliverable to United Gas Pipe Line Company in St. Mary Parish, Louisiana. ANR would redeliver thermally equivalent volumes, reduced by 0.5 percent returned by ANR as compressor fuel, to Acadian in St. Mary Parish, Louisiana, or to LRC near Grand Chenier, Louisiana.

ANR states that Northern would pay ANR 3.6 cents per dt equivalent of gas transported and that this rate is equivalent to that authorized in ANR's Rate Schedule EUT–1 in Docket No. RP84–1–001 on February 10, 1984. ANR states that such rate would be collected, subject to refund, pursuant to the terms and conditions of the order, and that ANR would collect and remit the Gas Research Institute funding fee.

Comment date: October 28, 1985, in accordance with Standard Paragraph F at the end of this notice.

7. Columbia Gas Transmission Corporation

[Docket No. CP85–872–000]

October 8, 1985.

Take notice that on September 11, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP85–872–000 a request pursuant to 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate additional points of delivery to existing wholesale customers under the certificate issued in Docket No. CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to construct and operate certain facilities necessary to provide twenty-two additional points of delivery to existing wholesale customers, *i.e.* Columbia Gas of Ohio, Inc. (COH) (15 points), Columbia Gas of Pennsylvania, Inc. (CPA) (2 points), Mountaineer Gas Company (MGC) (4 points), and The Union Light, Heat and Power Company (ULH) (1 point). It is asserted that the customers have received authorization from their state regulatory agency to attach or provide service to new customers. It is stated that the additional volumes to be provided through the proposed new points of delivery would be within Columbia's currently authorized level of sales and such volumes would not affect Columbia's peak day and annual deliveries to which the existing wholesale customers are entitled. It it further stated that COH, CPA, MGC, and ULH are currently served under Columbia's CDS (contract demand service) Rate Schedule. It is stated that the proposed delivery points would provide natural gas service for

residential, commercial, and industrial customers.

Comment date: November 22, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. E. Paso Natural Gas Company

[Docket No. CP85-896-000]

October 8, 1985.

Take notice that on September 23, 1985, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP85-896-000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities within New Mexico and associated transportation services for Southern Union Exploration Company (SX), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that the Commission by its order dated August 29, 1977, in Docket No. CP76-410, as amended on March 13, 1978, authorized the construction and operation of a minor tap and valve facility in Lea County, New Mexico, and a transportation service by El Paso on behalf of SX. El Paso explains that under a gas transportation agreement dated April 13, 1976, as amended, (Rate Schedule T-5 arrangements) it would transport SX's gas produced in Lea and San Juan Counties, New Mexico, to various delivery points in New Mexico, Arizona, and Texas. It is explained that these volumes upon delivery would then be sold by SX to Southern Union Gas Company (Southern Union) as authorized by the Commission's order issued April 20, 1977, as amended January 18, 1978, in Docket No. RI76-138, *et al.* El Paso further states that it accepted SX's volumes in Lea and San Juan Counties, New Mexico, after the volumes were transported and delivered to its facilities by Western Gas Interstate Company (WGI).[1] El Paso states that it has been advised that SX and Southern Union desire to terminate their gas sales and purchase agreement and as a direct result would no longer require El Paso's Rate Schedule T-5 arrangements. El Paso has been further advised that SX has requested producer abandonment authorization in Docket Nos. CI85-594-000 and CI85-595-000 for its sales to Southern Union and that WGI has filed for related abandonment authorization in Docket Nos. CP84-623-000 and CP84-623-001. Under the new natural gas sales/purchase arrangements, as proposed in the above producer abandonment filings, it is indicated that SX would sell the San Juan County and Lea County volumes to El Paso and Phillips Petroleum Company, respectively. El Paso therefore seeks Commission authorization to abandon the minor tap facilities in Lea County, New Mexico, and to abandon the transportation service described as El Paso's Rate Schedule T-5 arrangements. El Paso asserts that the proposed abandonment would not result in or cause interruption, reduction, or termination of firm natural gas service rendered by El Paso to any of its customers. El Paso asserts that it has entered into a letter agreement with SX dated June 13, 1985, to reflect the parties' desires and intentions to terminate the Rate Schedule T-5 arrangements.

Comment date: October 29, 1985, in accordance with Standard Paragraph F at the end of this notice.

9. Sea Robin Pipeline Company

[Docket No. CP85-861-000]

October 8, 1985.

Take notice that on September 5, 1985, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-861-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport, on a firm basis, up to 4,500 Mcf on natural gas per day of Texas Gas' gas produced from Eugene Island Blocks 330 and 337, offshore Louisiana.

Applicant states that it would transport such gas for Texas Gas from the existing interconnection of the facilities of Applicant and Pennzoil Corporation at the outlet side of Texas Gas' metering station located on platform B in Eugene Island Block 330 and would redeliver equivalent volumes to Columbia Gulf Transmission Company for the account of Texas Gas, at the terminus of Applicant's pipeline system near Erath, Louisiana.

Texas Gas, it is said, would pay Applicant a demand charge of $3.11 and a commodity charge 1.30 per Mcf of gas transported. It is said further that the transportation would continue for a period of five years from the date of initial delivery and yearly thereafter unless terminated by either party.

Comment date: October 29, 1985, in accordance with standard Paragraph F at the end of this notice.

10. Southern Natural Gas Company

[Docket No. CP79-469-002]

October 8, 1985.

Take notice that on September 17, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563 Birmingham, Alabama 35202-2563, filed in Docket No. CP79-469-002 a petition to amend the Commission's order issued January 8, 1980, in Docket No. CP79-469 pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Arkla Energy Resources, a division of Arkla, Inc. (Arkla), and the construction and operation of a new delivery point in Tensas Parish, Louisiana, for the sale of the gas by Arkla to International Paper Company (IPCo), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order issued January 8, 1980, in Docket No. CP79-469, Southern was authorized, among other things, to transport up to 20,000 Mcf of natural gas per day for Arkla pursuant to the terms of a transportation agreement dated March 16, 1979, from the Main Pass area, offshore Louisiana, to an interconnection of Southern's facilities and United Gas Pipeline Company (United) near Southern's Shadyside Compressor Station in St. Mary Parish, Louisiana. By an amendment to the transportation agreement, dated August 15, 1985, Southern states it has agreed to transport gas for Arkla to a delivery point on Southern's Lake St. John-Cranfield pipeline in Tensas Parish, Louisiana, in addition to the gas transported to the delivery point at the Shadyside Compressor Station.

It is stated that the proposed additional Lake St. John delivery point, estimated by Southern to cost $105,000, would enable Arkla to make the sale of gas to IPCo. Southern states the total cost of the facility would be reimbursed by Arkla.

Southern proposes to charge Arkla for the transportation service 37.1 cents per million Btu equivalent of gas. Southern indicates that this rate is based upon a haul distance of 222 miles with a mileage component of 5.78 cents per 100 miles (12.8 cents) and a non-mileage component of 24.3 cents as determined in Docket No. RP83-28.

Comment date: October 29, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

[1] See Commission orders issued February 28, 1978, and March 13, 1978, in WGI's Docket Nos. CP77-347 and CP77-531, respectively.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on it own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-24870 Filed 10-18-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2913-2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the Federal Register a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, 202-382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste

Title: Ground-Water Monitoring: Reporting and Recordkeeping Requirements (EPA ICR #10959). (This is a renewal of an existing collection; there are no changes.)

Abstract: Monitoring of land disposal facilities for ground-water contamination will identify the existence and extent of contamination at an early stage so that restoration of ground-water quality at a lower cost is possible. Facility owners or operators will submit data annually or periodically when contamination has been detected.

Respondents: Owners and operators of land disposal facilities.

Agency PRA Clearance Request Completed by OMB

EPA #1199; PCB Manufacture, Processing, Distribution in Commerce, and Use Prohibitions: Use in Electrical Transformers, was approved 7/5/85 (OMB #2070-0073; expires 7/31/88).

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Regulation and Information Management Division, 401 M Street SW., Washington, D.C. 20460

and

Nancy Baldwin, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated: October 12, 1985.

Daniel J. Fiorino,

Acting Director, Regulation and Information Division.

[FR Doc. 85-24893 Filed 10-18-85; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-2913-5]

Science Advisory Board Environmental Health Committee; Drinking Water Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a three-day meeting of the Drinking Water Subcommittee of the Environmental Health Committee of the Science Advisory Board will be held on January 6-8, 1986, in Conference Room 451 of the Joseph Henry Building; National Academy of Sciences; 2122 Pennsylvania Avenue, NW.; Washington, DC 20037. The meeting will start at 9:00 a.m. on January 6 and adjourn no later than 4:00 p.m. on January 8.

The purpose of the meeting will be to discuss draft drinking water Health Advisory documents for the following substances:

Acrylamide
Benzene
p-Dioxane
Ethylbenzene
Ethylene glycol
Hexane
Legionella
Methylethylketone
Styrene
Toluene
Xylene

The Drinking Water Subcommittee will not receive oral comments on the Health Advisory documents at the meeting. Written comments on any of the specific substances should be delivered within forty (40) days from the date of this notice to Manager, Health Advisory Program; Criteria and Standards Division [WH-550]; U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, DC 20460.

EPA's Office of Drinking Water prepared the draft Health Advisory documents. They are neither regulations nor regulatory support. To obtain copies

of the draft Health Advisory documents for specific substances please write to the Manager of the Health Advisory Program at the above address.

The meeting will be open to the public. Any member of the public wishing to attend or to obtain further information should contact either Dr. Daniel Byrd, Executive Secretary to the Committee, or Mrs. Brenda Johnson, by telephone at (202) 382-2552 or by mail to: Science Advisory Board (A-101F); 401 M Street, SW.; Washington, DC 20460, no later than c.o.b. on December 20, 1985.

Dated: October 15, 1985.

[FR Doc. 85-24987 Filed 10-18-85; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-2913-6]

Science Advisory Board, Enviromental Health Committee, Halogenated Organics Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a four-day meeting of the Halogenated Organics Subcommittee of the Environmental Health Committee of the Science Advisory Board will be held on January 14-17, 1986, in Conference Room 3906-3908 at Waterside Mall; U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, DC; 20460. The meeting will start at 9:00 a.m. on January 14 and adjourn no later than 4:00 p.m. on January 17.

The purpose of the meeting will be to discuss draft drinking water Health Advisory documents for the following substances:

Carbon tetrachloride
Chlorobenzene
Dichlorobenzenes
1,2-Dichloroethane
1,2-Dichloroethylenes
1,1-Dichloroethylene
Dichloromethane
Dichloropropane
Dioxin
Epichlorohydrin
Hexachlorbenzene
Polychlorinated biphenyls
Tetrachloroethylene
1,1,1-Trichloroethane
Trichloroethylene
Vinyl chloride

The Halogenated Organics Subcommittee will not receive oral comments on the Health Advisory documents at the meeting. Written comments on any of the specific substances should be delivered within forty (40) days from the date of this notice to Manager, Health Advisory Program; Criteria and Standards Division [WH-550]; U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, DC; 20460.

EPA's Office of Drinking Water prepared the draft Health Advisory documents. They are neither regulations nor regulatory support. To obtain copies of the draft Health Advisory documents for specific substances please write to the Manager of the Health Advisory Program at the above address.

The meeting will be open to the public. Any member of the public wishing to attend or to obtain further information should contact either Dr. Daniel Byrd, Executive Secretary to the Committee, or Mrs. Brenda Johnson, by telephone at (202) 382-2552 or by mail to: Science Advisory Board (A-101F); 401 M Street, SW.; Washington, DC; 20460, no later than c.o.b. on December 20, 1985.

Dated: October 15, 1985.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 85-24988 Filed 10-18-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

October 11, 1985.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submissions are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-7231.

OMB Number: 3060-0197
Title: Section 87.35(e), Changes in authorized station
Action: Extension
Respondents: Licensees in the Aviation Radio Service
Estimated Annual Burden: 100 Responses; 100 hours

OMB Number: 3060-0202
Title: Section 87.153, Report of Operation
Action: Extension
Respondents: Licensees in the Aviation Radio Service
Estimated Annual Burden: 12 Responses; 96 hours

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-24968 Filed 10-18-85; 8:45 am]

BILLING CODE 6712-01-M

Sanilac Broadcasting Co. et al.; Memorandum Opinion and Order

In re applications of MM Docket No. 85-300:

	File No.
Sanilac Broadcasting Company, WMIC, Sandusky, Michigan; Has: 1560 kHz, 1 kW, DA-D, Req: 660 kHz, 1 kW, DA-D.	BP-820721AF
Carol J. Siefker and Gregory W. Siefker, d/b/a Siefker Broadcasting Company, Frankenmuth, Michigan; Req: 660 kHz, 1 kW, DA-D.	BP-830124AB

For Construction Permit.
Adopted: October 9, 1985.
Released: October 15, 1985.
By the Commission.

1. The Commission has under consideration: (a) The above-captioned mutually exclusive applications for AM broadcast stations; and (b) an application for review filed by Sanilac Broadcasting Company ("Sanilac"), challenging the Mass Media Bureau's acceptance of the Siefker Broadcasting Company's ("Siefker") application for filing.

2. Circumstances leading up to the filing of the application for review may be summarized as follows. The application of Crystal Communications Corporation ("Crystal") for modification of its AM broadcast station WXIC, Waverly, Ohio, was placed on an "A" cut-off list (Public Notice No. A-55, released June 16, 1982) with a cut-off date of July 21, 1982. Sanilac filed in response its application for modification of AM broadcast station WMIC in Sandusky, Michigan. As a preliminary examination indicated that the Crystal and Sanilac proposals were mutually exclusive, the Sanilac proposal was accepted for filing and placed on a "B" cut-off list, with cut-off date of January 24, 1983.

3. The Siefker application, which was mutually exclusive with that of Sanilac, was filed on January 24, 1983. By letter dated July 7, 1983, the Bureau returned the Siefker application as unacceptable for filing in that it was submitted after the July 21, 1982 "A" cut-off date for Crystal and all other applicants grouped with it. In seeking reconsideration of

this return, Siefker argued that the Crystal and Sanilac applications were not in fact mutually exclusive. Acknowledging that this was indeed the case, the Bureau granted Siefker's petition for reconsideration, reinstated its application *nunc pro tunc*, and placed Sanilac on an "A" cut-off list (Public Notice No. A-78, released August 30, 1983) with a cut-off date of September 30, 1983. Siefker's mutually exclusive application, submitted in January of 1983, thus became a timely filed "B" proposal to Sanilac's "A" proposal.

4. Sanilac, upon acceptance of the Siefker application, filed an application for review objecting to the Bureau's action on both procedural and substantive grounds. As a procedural matter, Sanilac contends that Siefker's August 18, 1983 petition for reconsideration was untimely, since it was filed more than 30 days after the Commission's July 7, 1983 letter returning Siefker's application as unacceptable for filing. However, § 1.103(b) of the Commission's Rules provides that Commission actions shall be final, for purposes of seeking reconsideration, on the date of public notice as defined by § 1.4(b). Here, where an action document concerning the return was not released but a "Public Notice" describing it was, the release date of that "Public Notice", July 19, 1983, is the relevant date pursuant to § 1.4(b)(3). Siefker's petition filed on August 18, 1983 was therefore timely. The case on which Sanilac relies to support its contention of an earlier release date, *Public Communicators, Inc.*, 54 FCC 2d 390, 393 (1975), concerns a previous and different version of § 1.4(b) and is thus not controlling here. *William H. Bailey*, 56 RR 2d 294 (1984); appeal *sub nom. Quality Broadcasting Corporation* v. *FCC*, #84-1208 (D.C. Cir. dismissed 12-12-84).

5. Sanilac further argues that the protection against subsequent competing proposals afforded it by placement on a "B" cut-off list is fixed and final and cannot be taken away by later placement on an "A" list. It is well established, however, that "cut-off"status confers no fixed and immutable rights upon the individual applicant. *See e.g., City of Angels Broadcasting, Inc.* v. *FCC*, 745 F2d 656, 663 (D.C. Cir. 1984); *Denton Channel Two Foundation, Inc.*, 85 FCC 2d 983 (1981). Rather, the cut-off process, from the issuance of the initial cut-off notice to the closing of the cut-off period, provides a balance between two important public interest considerations: (a) The value of a wide choice among competing proposals and (b) the necessity to the Commission of a stable environment for the grouping and processing of applications, and to the parties of an opportunity to prepare their cases knowing whom they will face in hearing. In this case, a staff error frustrating the first of these objectives could be corrected without compromising the second, in that Sanilac's cut-off status could be quickly and easily clarified. Sanilac's private interest in a grant without a hearing cannot outweight the public interest concern favoring correction under these circumstances. Accordingly, we uphold the Bureau's action and Sanilac's application for review will be denied.

6. *Environmental narrative statement issue.* Since the Siefker proposal constitutes a major environmental action as defined by § 1.1305 of the Commission's Rules, the applicant is required to submit the environmental impact information described in § 1.1311. Siefker's environmental narrative statement fails to describe the access roads and power lines leading to the site, nor does it include the zoning classification. Accordingly, Siefker will be required to file within 30 days of the release of this Order its amended environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. *See Golden State Broadcasting Corp.*, 71 FCC 2d 229 (1979) *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 FCC 2d 337 (1980).

7. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, however, they must designated for hearing in a consolidated proceeding. As the proposals are for different communities, we will specify an issue to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which proposal would better provide a fair, efficient, and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

8. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues;

1. If final environmental impact statement is issued with respect to the application of Carol J. Siefker and Gregory W. Siefker d/b/a Siefker Broadcasting Company which concludes that the proposed facility is likely to have an adverse effect on the quality of the environment, to determine:

(a) Whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1.1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

2. To determine: (a) The areas and populations which would receive primary aural service from the proposal of Carol J. Siefker and Gregory W. Siefker d/b/a Siefker Broadcasting Company and the availability of other primary service to such areas and populations; (b) the areas and populations which would gain or lose primary aural service from the proposal of Siefker Broadcasting Company and the availability of other primary service to such areas and populations; and (c) in light thereof and pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposal would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further orderd, That § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within 30 days of the release of this Order, Carol J. Siefker and Gregory W. Siefker d/b/a Siefker Broadcasting Company shall submit the amended environmental narrative required by § 1.1311 of the Rules, to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

10. It is further ordered, That the application for review filed by Sanilac Broadcasting Company is denied.

11. It is further ordered, That in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding

subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M Street, NW., Washington, DC 20554.

12. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-24969 Filed 10-18-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 85-933]

General Recordkeeping by Savings & Loan Associations

Dated: October 15, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a revised information collection, "General Recordkeeping by Savings and Loan Associations" to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments: Comments on the information collection request are welcome and should be submitted within 15 days of publication of this notice in the **Federal Register.** Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552; Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Louis Oliver, Office of Examinations and Supervision. Phone: (202) 377-6846.

By the Federal Home Loan Bank Board.

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 85-24999 Filed 10-18-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may impact and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 207-010496-001.

Title: Mex-Bras Liner Service Agreement.

Parties:

Companhia de Navegaco Lloyd Brasilerio

Companhia Maritima Nacional

Transportacion Maritima Mexicana, S.A.

Synopsis: The proposed amendment would restate the agreement to conform with the Commission's format, organization and content requirements.

Agreement No. 217-010612-002.

Title: Linabol-CSAV Vessel/Space Charter Agreement.

Parties:

Compania Sud Americana de Vapores

Lineas Navieras Bolivianas

Synopsis: The proposed amendment would delete the Great Lakes from the scope of the agreement.

Agreement No. 217-010651-002.

Title: Sea-Land Service, Inc./Hapag-Lloyd AG Transpacific Reciprocal Space Charter and Sailing Agreement.

Parties:

Sea-Land Service, Inc.

Hapag-Lloyd AG

Synopsis: The proposed amendment would modify the agreement to permit the parties to enter into arrangements or agreements to provide for an orderly termination of the agreement, including making spaces available on each other's vessels, for a period of up to 150 days following the cancellation or termination date. The parties have requested a shortened review period.

Agreement No. 224-010843.

Title: Miami Terminal Agreement.

Parties:

Eller & Company, Inc. (Eller)

Harrington & Company, Inc. (Harrington)

Synopsis: The agreement provides for the establishment of a joint venture by and between Eller and Harrington. The name of the joint venture will be Continental Stevedoring & Terminal, Inc. The purpose of the venture is to conduct stevedoring, cargo handling, container stuffing and stripping, and incidental activities related thereto at terminals in Dade County, Florida. The principal place of business of the venture will be Miami, Florida. The term of the agreement is for ten years, with earlier termination under specified conditions.

Dated: October 16, 1985.

By Order of the Federal Maritime Commission.

Bruce A Dombrowski,

Acting Secretary.

[FR Doc. 85-24993 Filed 10-18-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citicorp; Application to Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 29, 1985.

A. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary), Washington, DC 20551:

1. Citicorp, New York, New York: To engage through its subsidiary, Family Guardian Life Insurance Company, St. Louis, Missouri, in the activity of underwriting and reinsuring credit life and accident and health insurance that is directly related to extensions of credit by Citicorp and/or its subsidiaries and affiliates, where such extensions of credit are secured by first mortgages on residential real estate. This application may be inspected at the Federal Reserve Bank of New York. This activity has not previously been approved by Board Order as permissible for bank holding companies. The Board has previously requested public comment (49 FR 9215) concerning the proposed amendment of Regulation Y, 12 CFR Part 225, to define this activity as a permissible activity for bank holding companies.

Board of Governors of the Federal Reserve System, October 11, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 24981 Filed 10-18-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80N-0276; DESI 7630]

Human Drugs, Certain Anabolic Steroids; Denial of Hearing and Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is withdrawing approval of the new drug applications for methandrostenolone tablets marketed by Par Pharmaceutical, Inc. Approval is withdrawn because these drug products lack substantial evidence of effectiveness. The products are offered as adjunctive therapy in senile and postmenopausal osteoporosis.

EFFECTIVE DATE: November 20, 1985.

FOR FURTHER INFORMATION CONTACT: Judy O'Neal, Center for Drugs and Biologics (HFN-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 18, 1983 (48 FR 2208), the Director of the Center for Drugs and Biologics revoked the temporary exemption (37 FR 26623) for the continued marketing of certain anabolic steroids beyond the time limit scheduled for implementation of the Drug Efficacy Study. The notice also reclassified the products to lacking substantial evidence of effectiveness in the treatment of osteoporosis and offered an opportunity for a hearing on the agency's proposal to withdraw approval of the new drug applications for these products.

Hearing requests were submitted by Bolar Pharmaceutical Co., Inc., and Par Pharmaceutical, Inc., manufacturers of methandrostenolone. The manufacturers of the other products named in the January 1983 notice did not request a hearing, and approval of those products was withdrawn by the agency in a notice published in the **Federal Register** of May 13, 1983 (48 FR 21658).

Bolar's hearing request is under review and will be the subject of a future **Federal Register** notice.

The products named in the January 1983 notice for which Par has requested a hearing are the following:

1. ANDA 87-945; Methandrostenolone 5-milligram (mg) tablets; Par Pharmaceutical, Inc., 12 Industrial Ave., Upper Saddle River, NJ 07458.

2. ANDA 87-951, Methandrostenolone 2.5-mg tablets; Par Pharmaceutical, Inc.

Both products are labeled for use as adjunctive therapy in senile and postmenopausal osteoporosis.

Par submitted a three page hearing request, stating only that there is a need to counter the catabolic process following major injuries and surgical operations, and during fever or other severe illness, and that many studies favor the use of an anabolic agent in mild and chronic illnesses. The studies to which Par refers are not identified, however, and no data were submitted in support of the claims. The hearing request contains no evidence addressing the effectiveness of the products in treating osteoporosis.

Par's submission fails to satisfy the requirements of 21 CFR 314.200 governing hearing requests. It contains neither the studies Par relies upon to justify a hearing nor a factual analysis of such studies. Effectiveness may be shown only by adequate and well-controlled clinical studies meeting all of the requirements of 21 CFR 314.111(a)(5) (current version at 21 CFR 314.125(b)(5)). See *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973). As the regulations require (21 CFR 314.200(g)), and as was stated in the notice of opportunity for a hearing (48 FR 2210), a request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. Par's submission does not satisfy this requirement.

The Commissioner finds that there is a lack of substantial evidence that Par's products are effective for their labeled indications. Furthermore, the Commissioner finds that there is no genuine and substantial issue of fact requiring a hearing. Therefore, the Commissioner denies the hearing request of Par.

Under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended (21 U.S.C. 355(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), approval of ANDA's 87-945 and 87-951 and all amendments and supplements thereto is withdrawn effective November 20, 1985.

Dated: October 12, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 85-24840 Filed 10-18-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

President's Commission on Americans Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the New Ideas Committee of the President's Commission on Americans Outdoors will be held Monday, November 4, 1985, starting at 1:30 p.m., in the Board Room of the National Trust for Historic Prevention, 1785 Massachusetts Avenue, NW., Washington, D.C. 20036. This is the initial meeting of the Committee, and the purpose is to establish the Committee's objectives, develop a plan of action and a timetable for completing its work.

The meeting will be open to the public.

Further information concerning this meeting will be obtained from James Gasser, President's Commission on Americans Outdoors, P.O. Box 18547, 1111 20th Street, NW., Washington, D.C. 20036, (202) 343–3453.

Dated: October 17, 1985.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 85–25194 Filed 10–18–85; 11:31 am]

BILLING CODE 4310-70-M

President's Commission on Americans Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Demand Working Group of the President's Commission on Americans Outdoors will be held Tuesday, November 5, 1985, starting at 9:00 a.m., in Room 2856, National Geographic Society Building, 1146 16th Street, NW., Washington, D.C. 20036. This will be a hearing to obtain information on the kinds of outdoor recreational opportunities the public wants.

The meeting will be open to the public, and interested persons may make oral or written presentations by arranging in advance with James Gasser, President's Commission on Americans Outdoors, P.O. Box 18547, 1111 20th St., NW., Washington, D.C. 20036, (202) 343–3453.

Dated: October 17, 1985.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 85–25193 Filed 10–18–85; 11:31 am]

BILLING CODE 4310-70-M

Alaska Land Use Council's Land Use Advisors Committee; Public Invitation

The Federal and State Cochairmen of the Alaska Land Use Council are soliciting nominations for appointment or reappointment to the Council's Land Use Advisors Committee.

The Land Use Advisors Committee is mandated by section 1201(m)(1) of the Alaska National Interests Lands Conservation Act. The Committee plays a key role in the public participation program established by the Alaska Land Use Council. Among other responsibilities, the Committee makes recommendations concerning the Council's annual work program and actions of the Federal agencies as they implement the Alaska lands legislation.

The Alaska Lands Act requires that the Land Use Advisors Committee be representative of a balance between State and national interests concerned with the use of Federally-owned public lands and resources in Alaska and the several geographic regions of the State. Members of the Committee, appointed by the two Cochairmen, serve without compensation but are reimbursed for necessary approved travel.

If you are interested in serving on the Alaska Land Use Council Land Use Advisors Committee, send a letter of interest along with a detailed resume to:

Alaska Land Use Council, State Cochairman Designee, Office of Management and Budget, Division of Governmental Coordination, Pouch AM, Juneau, Alaska 99811, (907) 465–3562

or

2600 Denali, Suite 700, Anchorage, Alaska 99503–2798, (907) 274–1581

Alaska Land Use Council, Office of the Federal Cochairman, P.O. Box 100120, Anchorage, Alaska 99510–0120, (907) 272–3422, (FTS) 271–5485.

The deadline for filing your letter of interest is December 1, 1985. For further information, you may write to the above addresses or call.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–24982 Filed 10–18–85; 8:45 am]

BILLING CODE 4310-10-M

Alaska Land Use Council; Public Meeting

As required by the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96–487, dated December 2, 1980, Section 1201, Paragraph (h), the Alaska Land Use Council will meet at 9:00 a.m., Tuesday, November 26, 1985, in Conference Room 117 at the U.S. Federal Building and Court House, located at 701 C Street, Anchorage, Alaska.

The tentative agenda will include Council consideration of:

—Alaska Peninsula National Wildlife Refuge Comprehensive Conservation Plan,

—Denali National Park and Preserve General Management Plan,

—Wrangell/St. Elias National Park and Preserve General Management Plan,

—Cape Krusenstern National Monument General Management Plan,

—Katmai National Park and Preserve General Management Plan,

—Aniakchak National Monument and Preserve General Management Plan,

—Noatak National Preserve General Management Plan,

—Bering Land Bridge National Preserve General Management Plan,

—Kobuk Valley National Park General Management Plan,

—Status of Management on the Tongass National Forest, ANILCA 706(b) Report—USDA Forest Service,

—Land Use Advisors Committee Council Work Program Recommendations for 1985–86,

—Long Range Goals and Objectives 1985–90,

—Stikine River Access Study Report, and

—Other items as may be appropriately considered by the Council.

Any individual desiring to appear before the Council to address any of the above matters or matters of general concern to the Council should contact either Cochairman's office before the close of business Thursday, November 21, 1985.

For further information contact:

Alaska Land Use Council, Office of the Federal Cochairman, P.O. Box 100120, Anchorage, Alaska 99510, (907) 272–3422, (fts) 271–5485

Alaska Land use Council, Office of the State Cochairman Designee, Pouch AM, Juneau, Alaska 99811 (907) 465–3562

2600 Denali Street, Suite 700, Anchorage, Alaska 99503, (907) 274–1571.

The public is invited to attend.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–24984 Filed 10–18–85; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[W-0304138, W-71414, W-71891, W-71889, W-71893, W-71894]

Wyoming; Amendment; Proposed Continuation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice will modify the Proposed Withdrawal Continuation published in Vol. 50 FR, No. 154, page 32322, August 9, 1985, for the Seminoe Dam and Reservoir. The modification will add 97.20 acres at or below the elevation of 6361 feet to be continued for 100 years and those above the elevation of 6361 to 6411 feet for a period of 10 years.

DATE: Comments should be received by January 21, 1986.

ADDRESS: Comments should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307–772–2089.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that we amend the above referenced notice to include the following parcels of land below 6411 feet. The withdrawals were made by the Secretarial Orders of January 20, 1932, as modified by Public Land Order 2999, dated April 8, 1963, October 2, 1929, October 13, 1933, November 2, 1936, April 26, 1937, and PLO No. 3595 dated April 1, 1965. The withdrawals are proposed to be continued for a period of 100 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands proposed for continuation for a period of 100 years are those lands that lie at or below the elevation of 6361 feet, and those above the elevation of 6361 feet to 6411 feet for a period of 10 years in the following described subdivisions:

Sixth Principal Meridian

T. 24 N., R. 82 W.,
Sec. 34, S½SE¼SE¼.
T. 24 N., R. 83 W.,
Sec. 16, S½NE¼, SW¼SE¼;
Sec. 22, E½SE¼;
Sec. 34, SE¼NE¼.
T. 25 N., R. 83 W.,
Sec. 30, E½SW¼.
T. 23 N., R. 84 W.,
Sec. 16, NE¼NE¼;
Sec. 26, E½SE¼.
T. 25 N., R. 84 W.,
Sec. 9, W½NW¼,N½SW¼;
Sec. 15, SE¼SE¼;
Sec. 21, E½SW¼;
Sec. 24, NE¼SE¼;
Sec. 27, W½SW¼;
Sec. 28, NE¼SW¼.
T. 24 N., R. 84 W.,
Sec. 16, NW¼NE¼,W½SE¼;
Sec. 18, lot 4, S½SE¼.
T. 24 N., R. 85 W.,
Sec. 14, SW¼.

and the following described lands at all elevations:

T. 25 N., R. 84 W.,
Sec. 8, lots 1–5, NE¼, E½NW¼, NE¼SW¼.

The area described contains 97.20 acres in Carbon County, Wyoming.

The notice published on August 9, 1985, is also corrected as to acreage withdrawn for T. 25 N., R. 84 W., sec. 8, to include only the NE¼SE¼ for continuation of the withdrawal with elevation restrictions. The remainder of land in section 8 has been proposed to continue the withdrawal at all elevations. In T. 25 N., R. 84 W., sec. 9, the W½NE¼ is omitted in its entirety.

The purpose of the withdrawal is to protect the Seminoe Dam and Reservoir, the Morgan Creek Hydrologic Drainage Area, the Kortes/Miracle Mile Area, and related facilities. The withdrawal segregates the land from the operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office. The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Hillary A. Oden,

State Director.

[FR Doc. 85–24964 Filed 10–18–85; 8:45 am]

BILLING CODE 4310-22-M

Public Scoping Statement; Hickey Mountain–Table Mountain Area of Uinta County, WY

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Public Scoping Statement to assist in preparing an environmental assessment (EA) for the development of oil and gas in the Hickey Mountain–Table Mountain area of Uinta County, Wyoming.

SUMMARY: This notice describes the action to be analyzed in the EA, the area that would most likely be affected; preliminary issues, concerns and opportunities; the scoping process to be used; and the locations where further information may be obtained

DATE: A Scoping Statement for the purpose of identifying issues, concerns and opportunities, will be mailed to known interest parties on October 18, 1985.

FOR FURTHER INFORMATION CONTACT: Information and materials providing a description of the project are available for review at the following locations:

Bureau of Land Management, Rock Springs District Office, Highway 191 North, P.O. Box 1869, Rock Springs, Wyoming 82902–1869

Wasatch-Cache National Forest, 125 S. State Street, Suite 8226, Salt Lake City, Utah 84138

Mountain View Ranger District, Wasatch-Cache National Forest, P.O. Box 129, Mountain View, Wyoming 82939.

Copies of the Scoping Statement will be available after October 18, 1985, by writing to the followig address:

Bureau of Land Management, Rock Springs District Office, Attn: Wally Mierzejewski, P.O. Box 1869, Rock Springs, Wyoming 82902–1869.

Written comments should be submitted to this address. In order to be considered in determining the scope of the EA, written comments must be received no later than November 18, 1985.

SUPPLEMENTARY INFORMATION: The action to be analyzed in the EA consists of construction of access roads and well pads; drilling and completion of oil and gas wells and repressurization wells; construction and use of hydrocarbon storage and transport facilities (tanks and pipelines); and construction and use of a hydrocarbon separation plant.

The proposed development would take place primarily on public lands administered by the Rock Springs District Bureau of Land Management or the Wasatch-Cache National Forest, and may require rights-of-way or special use

permits for some of the specific project components.

Geographic Area

The area to be analyzed for environmental effects is in the southeast portion of Uinta County, Wyoming.

Issues, Concerns, and Opportunities

Important issues, concerns, and opportunities which have been identified to date include:

1. Potential impacts to terrestrial and aquatic wildlife populations, migrations and habitats; particularly elk. What will be the impacts and can they be mitigated?
2. Potential impacts to BLM and National Forest users, and existing uses such as: livestock grazing, recreation, timber harvest, etc. Would opportunities for other land uses be increased or decreased?
3. Potential impacts to soils and to water quality.
4. Potential impact to road density on the Wasatch-Cache National Forest. Are there opportunities to eliminate some existing roads presently causing resource damage?
5. Economic and ecological considerations of alternate access and transportation systems and corridors.

The public is encouraged to present their ideas in response to the Scoping Statement on these and other issues, concerns, and opportunities. All issues, concerns, and opportunities will be considered in preparation of the EA.

Scope of Analysis

Should the scoping process reveal the potential for significant impacts, an environmental impact statement (EIS) would be prepared. Should an EIS be prepared, additional scoping would not be initiated. The decision to prepare an EIS would be posted in the Federal Register.

Donald H. Sweep,

District Manager.

[FR Doc. 85-24978 Filed 10-18-85; 8:45 am]

BILLING CODE 4310-22-M

[CA 7040 WR, CA 7041 WR, CA 7043 WR, LA 0119534 WR, R 03517 WR]

California; Proposed Continuation of Withdrawals

Correction

In FR Doc. 85-22534 beginning on page 38221 in the issue of Friday, September 20, 1985 make the following corrections:

1. In the first column under the heading *San Bernardino Meridian,* in the second line the year "1963" is corrected to read "1943".
2. In the fourth line under the same heading "Sec. 14, 2½;" is corrected to read "Sec. 14, S½,".
3. In the second column, the fourth line is corrected to read "Sec. 15, S½NE¼ excepting therefrom an".
4. In the second column, twenty-ninth line, the heading "LA03517 WR" is corrected to read "R 03517 WR."
5. In the second column, thirty-fourth line reading "W¼NE¼, S½S½S W¼NE¼, and" is corrected to read "W¼NE¼S½S½SE¼NE¼, and".
6. In the second column, in the twenty-seventh and twenty-eighth lines the text after the word "Country." should have been set forth as follows:

Public Land Order No. 3446 of September 23, 1964.

BILLING CODE 1505-01-M

Battle Mountain District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Battle Mountain District Advisory Council will be held on Tuesday, November 19, 1985. The meeting will convene at 8:00 a.m. in the BLM office in Battle Mountain, Nevada.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Discussion of fire suppression policy and fire rehabilitation.
2. Update on mining rehabilitation.
3. Overview of changes in policy and direction of various district programs.

The meeting is open to the public. Interested persons may make oral statements between 1:00 and 1:30 p.m. If you wish to make an oral statement, please contact Michael C. Mitchel by 4:30 p.m., November 12, 1985.

FOR FURTHER INFORMATION CONTACT: Michael C. Mitchel, Acting District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820 or phone (702) 635-5181.

Dated: October 11, 1985.

Michael C. Mitchel,

Acting District Manager, Battle Mountain, Nevada.

[FR Doc. 85-24977 Filed 10-18-85; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, November 23, 1985, at 1:00 p.m. at the Great Falls Tavern Visitor Center, Potomac, Maryland.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Carrie Johnson, Chairman, Arlington, Virginia
Mr. Carl L. Shipley, Washington, D.C.
Ms. Polly Bloedorn, Bethesda, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. William H. Ansel, Jr., Romney, West Virginia
Mr. Silas Starry, Shepherdstown, West Virginia
Mr. Ted Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Barry Passett, Washington, D.C.
Ms. Barbara Yeaman, Brookmont, Maryland
Ms. Joan LaRock, Lovettsville, Virginia
Ms. Elise Heinz, Arlington, Virginia
Ms. Majorie Stanley, Silver Spring, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland

Matters to be discussed at this meeting include:

1. Old and new business
2. Superintendent's report
3. Committee reports, Plans and Projects Committee, Recreation Policies and Issues Committee, Resource Protection Committee
4. Public comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: October 11, 1985.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 85-25032 Filed 10-18-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30704]

Missouri Pacific Railroad Co.; Exemption To Acquire Control of the Great Southwest Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343, *et seq.*, the acquisition of sole control of The Great Southwest Railroad Company by Missouri Pacific Railroad Company, subject to standard labor protection provisions.

DATES: This decision is effective November 20, 1985. Petitions for reconsideration must be filed by November 12, 1985. Petitions to stay must be filed by October 31, 1985.

ADDRESSES: Send petitions referring to Finance Docket No. 30704 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's Representative: Forrest N. Krutter, 1416 Dodge Street, Omaha, NE 68179

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: October 8, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 85-25018 Filed 10-18-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 21-85]

Privacy Act of 1974; Modified Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 522a), the Office of the Deputy Attorney General, Department of Justice, will add new routine uses to the following systems of records:

Appointed Assistant United States Attorneys Personnel System, JUSTICE/DAG-002
Assistant United States Attorneys Applicant Records System, JUSTICE/DAG-003
Honor Program Applicant System, JUSTICE/DAG-004
Master Index File of Names, JUSTICE/DAG-005
Presidental Appointee Candidate Records System, JUSTICE/DAG-006
Presidental Appointee Records System, JUSTICE/DAG-007
Special Candidates for Presidential Appointments Records System, JUSTICE/DAG-008
Summer Intern Program Records System, JUSTICE/DAG-009
United States Judge and Department of Justice Presidental Appointee Records, JUSTICE/DAG-010
Miscellaneous Attorney Personnel Records System, JUSTICE/DAG-011
Executive Secretariat Correspondence Control System, JUSTICE/DAG-012

(All of the above-named systems of records were last published on December 9, 1981, in **Federal Register** Volume 46, pages 60303-60311, except for two. The Executive Secretariat Correspondence Control System was last published on February 4, 1983, in **Federal Register** Volume 48, page 5336; and the United States Judge and Department of Justice Presidential Appointee Records system was last published on April 6, 1984, in **Federal Register** Volume 49, page 13755.)

The new routine uses will permit disclosure to any civil or criminal law enforcement authorities; to officials and employees of the White House or any Federal agency; to Federal, State, and local licensing agencies or associations; and in a proceeding before a court or adjudicative body. The new routine uses, whch are more fully described in the systems notices reprinted below, have been italicized for public convenience.

Address and submit any comment to J. Michael Clark, Acting Assistant Director, General Services Staff, Room 9002, Justice Management Division, Department of Justice, 601 D Street NW., Washington, D.C. 20530 by November 20, 1985.

Since the new routine uses are compatible with the purposes for which these systems are maintained, the Department will not be submitting a report to the Office of Management and Budget and the Congress.

Dated: September 26, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

JUSTICE/DAG-002,

SYSTEM NAME:

Appointed Assistant United States Attorneys Personnel System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; Unitd States Department of Justice; 10th and Constitution Avenue NW., Washington D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all Assistant United States Attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of five sections. The personnel section contains personnel records such as completed Civil Service forms, letters of recommendation, law school grade transcripts, appointment letters, appointment affidavits, bar affidavits, locator forms and personnel action forms. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. The complaint section contains correspondence from individuals or groups complaining about office holders. Rarely does a personnel folder contain more than the personnel and character sections

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used only by Department of Justice personnel. Information contained in a folder may be used as the basis for answering future inquires from other government agencies about a former assistant's qualifications. The personnel section may be made available to other federal agencies, at their request, upon the

transfer of the assistant to such an agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute and unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to Member of Congress of staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NRA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of the assistant's name, as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are retained until the subjects of the files resign or otherwise leave their offices for non-federal government employment. In that instance, the personnel section is sent to the St. Louis Records Center for an indefinite period. If the assistant transfers to another agency of the federal government, the personnel section is sent to the gaining agency. All other sections of the folder are destroyed six months after the assistant leaves office.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include the individuals, government agencies as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG-003

SYSTEM NAME:

Assistant United States Attorney Applicant Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all applicants for Assistant United States Attorney positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of four sectrions. The personnel section contains records such as resumes, letters of recommendation, law school grade transcripts, completed Civil Service forms, and related personnel matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. Rarely does a personnel folder contain more than the personnel and character sections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAMIED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES THE PURPOSES OF SUCH USES

These records are used only by Department of Justice personnel for recruitment purposes. However, the fact that the applicant was being considered would be made known to the references supplied by the applicant and others contacted. Information about the applicant, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or association which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of the applicant's name, as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are retained, in the case of applicants who are not offered positions, for two years and then destroyed. If the applicant is offered a position and accepts it, his folder is transferred to the Appointed Assistant United States Attorney Personnel System and retained as specified therein.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should clearly be directed orally or in writing to the Associate Deputy Attorney General. When requests are in writing, the envelope and letter should be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Associate Deputy Attorney General, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the individual, government agencies as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG-004

SYSTEM NAME:

Honor Program Applicant System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses third year law students who will be honor graduates of law schools and law clerks of federal judges who file applications for attorney positions in the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of items supplied by the applicant, such as resumes, completed Civil Service forms, applications forms, and transcipts of

grades, items supplied by third parties such as letters of recommendation, and items supplied by the Department such as acceptance or rejection letters and interview evaluation sheets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are made available within the Department for recuritment purposes and may be made available to other federal agencies, at their request, for recuritment purposes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personnal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to official and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or rentention of an employee; the issuance of a security clearance; the execution of a security of suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved in various ways, depending upon the age of the record. Initially, the records are indexed by the name of the applicant's law school, then by the names of the applicants according to their ranking by interviewers. Therefore, to locate an individual's file, it is necessary to known both the name of the individual and his or her law school. After the Department's annual attorney hiring is completed, these files are transferred to the control of the Associate Deputy Attorney General. His staff then places the files in alphabetical order by name and stores them.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RENTENTION AND DISPOSAL:

These records are maintained and stored for two years and then destroyed if the applicant is not offered a position with the Department or rejects an offered position. If a position is accepted by the applicant, his folder is transferred to another system.

SYSTEM MANAGER(S) AND ADDRESS:

Honor Program Director, Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system may be made in person or in writing to the System Manager. Any written request should clearly be marked 'Privacy Access Request' on both the letter and envelope.

CONTESTING RECORD PROCEDURES:

Individual desiring to contest or amend information maintained in the system should direct their request to the System Manager and clearly and concisely state what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are as noted in Categories of Records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG-005

SYSTEM NAME:

Master Index File of Name.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses all individuals having file folders contained in the following systems of records; Appointed Assistant U.S. Attorneys Personnel System, Assistant U.S. Attorney Applicant Records, Presidential Appointee Candidate Records System, Presidential Appointee Records System, Special Candidates for Presidential Appointments Records System, and U.S. Judges Records System, dating from 1932 until the present.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of file cards containing an individual's date of birth, date of entry on duty in Federal Service, date of termination of Federal Service,

notes as to the disposition of his records folder, and title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These cards contain information used solely for Department internal purposes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from system of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) is records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on file cards.

RETRIEVABILITY:

Information is retrieved by using the name of the individual, as these cards are filed alphabetically.

SAFEGUARDS:

These cards are kept in file drawers stored in a locked room.

RETENTION AND DISPOSAL:

These cards are retained indefinitely, except in the instance of cards relating to applicants for attorney positions within the Department. If the applicant is rejected, his card is destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to these records should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individual's records folder.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG-006

SYSTEM NAME:

Presidential Appointee Candidate Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses all individuals who are brought to the attention of the Department of Justice as potential candidates for appointment as United States Judges, United States Attorneys, or United States Marshals.

CATEGORIES OF RECORDS IN THE SYSTEM:

As to any particular individual, the number and kind of records may vary according to the qualifications of the individual. Thus, these records, in some instances, contain merely single letters from the individual himself or some other person recommending his consideration for one of the positions mentioned in the Categories of individuals. The records may also contain biographical sketches of the individual supplied either by the individual himself or the person recommending him. If the individual is under serious consideration for nomination for appointment, a confidential evaluation of his qualifications for the position will be in his folder. Also present may be completed background investigations on the individual. Letters, if any are received, protesting the individual's potential appointment may also be in the folder. Also present would be any information supplied by the individual or any other letters of recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records vary with the amount of consideration given to nominating the individual for appointment. In some instances, the records are stored, reviewed by Department personnel, and destroyed as outlined under Retention and Disposal. The candidate's entire record folder would be sent to the President upon his request. After a candidate is nominated and his nomination is pending Senate confirmation, the background investigation is routinely provided to Chairman of the Senate Judiciary Committee. The fact that the candidate was being considered for appointment would be made known to the references supplied by the candidate and others contacted. Information about the candidate, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration. A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in paper folders.

RETRIEVABILITY:

Information is retrieved from this system by reference first to the office, indexed geographically or by the circuit or district, for which the individual is being considered, and then alphabetically by name of the candidate.

SAFEGUARDS:

These records are stored in cabinets which are kept in a locked room.

RETENTION AND DISPOSAL:

These records are kept for five years and then destroyed, unless the individual receives the appointment. In that event, his individual record is transferred to another records system.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the Associate Deputy Attorney General. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Associate Deputy Attorney General stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information in this system include the general public, the candidates themselves, government agencies where appropriate, and any other interested party.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/DAG-007

SYSTEM NAME:

Presidential Appointee Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue; NW.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses the following: Department of Justice Presidential appointees and retired, resigned, or deceased appointees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may conain up to five sections. The personnel section includes such items as biographical sketches, qualification statements, completed Civil Service forms if applicable, letters recommending appointment, notifications of appointment, and other personnel-related matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of candidates. The complaint section contains correspondence from individuals or groups complaining about office holders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Generally, these records are used only for internal Department of Justice purposes. Prior to appointment, routine uses would include those specified for the Presidential Appointee Candidate Records System. If an appointee leaves the Department, information contained in his personnel folder might be used as the basis for answering inquiries from prospective employers about his qualifications and performance. The personnel section of his folder would be made available to other federal agencies, at their request, upon the transfer of the appointee to such an agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by using the name of the individual who is the subject of the folder.

SAFEGUARDS:

These records are stored in cabinets which are kept in a locked room.

RETENTION AND DISPOSAL:

The personnel section of these records is retained indefinitely at the Office of the Deputy Attorney General, except in the instance of an appointee who resigns or dies, in which case that section is sent to the St. Louis Records Center for indefinite storage. All other sections of the folders, in the instance where an appointee dies or resigns, are sent to the Suitland, Maryland Records Center for storage for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquires to the System Manager. These records will be exempted from subsections(d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the general public, the subjects of the

records themselves, government agencies when appropriate, and any other interested party.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (b)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the Federal Register.

JUSTICE/DAG-008

SYSTEM NAME:

Special Candidates for Presidential Appointments Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals under consideration for presidential appointments as heads of divisions or sections of the Department of Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendations, and related personnel matters. The character section contains completed and portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of candidates. The majority of these personnel folders contain only the personnel section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301 to assist the President in obtaining information necessary for determining the qualifications and availability of individuals for appointed offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records vary with the amount of consideration given to nominating the candidate for appointment. In some instances, the records are stored, reviewed by Department personnel, and destroyed as outlined under Retention and Disposal. The candidate's entire records folder would be sent to the President upon his request. After a candidate is nominated and his nomination is pending Senate confirmation, the background investigation in routinely provided to the Chairman of the Senate Judiciary Committee. The fact that the candidate was being considered for appointment would be made known to the references supplied by the candidate and others contacted. Information about the candidate, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 522, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such record are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper holders.

RETRIEVABILITY:

Information is retrieved by the name of individuals seeking appointments as the files are arranged alphabetically by same.

SAFEGUARDS:

These records are in cabinets in a locked room.

RETENTION AND DISPOSAL:

In the event a candidate is not nominated for appointment, his record is maintained for five years and then destroyed. If the candidate is appointed, his records are transferred to the Presidential Appointee Records System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of sections 552a, title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURE:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the general public, the subjects of the records themselves, government agencies when appropriate, and any other interested party.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirement of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG-008

SYSTEM NAME:

Summer Intern Program Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who submit applications for the Department's Summer Intern Program for Law Students.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records consists of items such as completed Civil Service forms, law school grade transcripts, letters of recommendation, and completed Summer Law Intern Applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by Department personnel for recruitment purposes. However, in the case of an applicant with regard to whom the Department has decided not to extend an offer of employment, his or her application and Civil Service forms might be referred to another agency, upon its request, for that agency's recruitment purposes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of infomation to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Department's behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stapled together.

RETRIEVABILITY:

Information is retrieved by use of the applicant's name, as these records are filed by use of the first letter of the applicant's last name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are retained, in the case of applicants who are not offered positions, for one year and then destroyed. In the case of accepted applicants, their records enter the Civil Service system.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General; Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to these records should be directed orally or in writing to

the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request'.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the applicant and references provided by him.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG-010

SYSTEM NAME:

United States Judge and Department of Justice Presidential Appointee Records.

SYSTEM LOCATION:

Office of the Deputy Attorney General; United States Department of Justice; 10th and Constitution Avenue, NW.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system encompasses all United States Judges and all Department of Justice Presidential Appointees.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. 1. Card index relating to United States Judges which includes name, salary, Congress of appointment, State of birth, political party (if voluntarily provided), religion (if voluntarily provided), and American Bar Association rating

2. Information on the above mentioned card index, except religion, is also maintained on word processing equipment.

B. Cross index of judges' names and districts.

C. Roster of districts showing the dates of duty of district court judges and Department of Justice Presidential Appointees, indexed alphabetically by name.

D. Book of commissions of United States Judges and Department of Justice Presidential Appointees in order by date of appointment and indexed alphabetically by name.

E. Nomination book showing the name of the nominated Judge or Department of Justice Presidential Appointee, the date the proposed nomination was sent to the White House, the date the nomination was made to the Senate, the date of confirmation, the date of appointment, and the date of entrance on duty. This book is in chronological order, and is indexed alphabetically by name of the nominee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained to make responses to public inquiries regarding these individuals noted in Categories of individuals (the political party and religion of an appointee is not released), and for Department internal purposes.

Release of information to the new media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from system of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the inforation on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are kept on cards, in folders, in books, or on diskettes.

RETRIEVABILITY:

Information is retrieved by those data elements identified in the "Categories of Records in the System" section of this notice.

SAFEGUARDS:

Biological sketches and diskettes are kept in a locked safe. All other information is kept in cabinets or card files.

RETENTION AND DISPOSAL:

This information is maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General, Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request of access to these records should be directed orally or in writing to the System Manager. When requests are in writing the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individuals who are the subjects of the records and from other Department of Justice records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/DAG-011

SYSTEM NAME:

Miscellaneous Attorney Personnel Records System.

SYSTEM LOCATION:

Office of the Deputy Attorney General United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who applied to or are employed by the Department of Justice as attorneys and are not included within another OAAG system.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letter of recommendation, law school grade transcripts, completed Civil Service forms, and related personnel matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. The complaint section contains correspondence from individuals or groups complaining about office holders and may contain matters relating to the disposition of those complaints. Rarely does a personnel folder contain more than the personnel and character sections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used only by Department of Justice personnel. Information contained in a folder may be used as the basis for answering future inquires from other government agencies about a former employee's qualifications. The personnel section may be made available to other federal agencies, at their request, upon the transfer of an employee to such an agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, of foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of an individual's name, as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a lockable room.

RETENTION AND DISPOSAL:

These records are retained until the subjects of the files resign or otherwise leave their offices for non-federal employment. In that instance, the personnel section is sent to the St. Louis Records Center for an indefinite period. If the individual transfers to another agency of the Federal government, the personnel section is sent to the gaining agency. All other sections of the folder are destroyed six months after the individual leaves office. The entire folders of individuals who were applicants and were not offered employment or did not accept employment with the Department are

destroyed one year after final action is taken on the application.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General, Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the individuals who are the subjects of the records, government agencies as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DAG-012

SYSTEM NAME:

Executive Secretariat Correspondence Control System

SYSTEM LOCATION:

Office of the Deputy Attorney General, Department of Justice, Room 4408, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have written to the Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General, Office of Legislative Affairs; or Director, Office of Public Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control information from incoming and outgoing correspondence to include a subject narrative, names of individual correspondents and organizations preparing a response to mail or initiating correspondence, and type of action and due date of such action required from the Department. This information is contained on hard-copy printouts and mini-computer disc units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

PURPOSE(S):

To provide the capability to control and track correspondence to ensure a timely response thereto and/or any other required action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Primary use of the system is limited to the Executive Secretariat staff and to officials who need access to perform official duties.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to Title 28 of the Code of Federal Regulations, § 50.2 may be made Available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Disclosure may be made to a congressional office or to the Executive Office of the President from a record of an individual in response to an inquiry from either of these offices made at the request of that individual.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspection conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a jcb; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General (ODAG) is authorized to appear when (a) ODAG, or any subdivision thereof, or (b) any employee of ODAG in his or her official capacity, or (c) any employee of ODAG in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where ODAG determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by ODAG to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained as follows: hard-copy printouts are stored in standard file cabinets in a locked area; computer records are stored on on-line mini-computer disc units at the mini-computer/word processing site.

RETRIEVABILITY:

Control records are retrieved by name of sender, addressee, date of receipt, due date and organization responsible for preparing the response. Records are used for the tracking/control of correspondence of concern to the Attorney General, Deputy Attorney General, Associate Attorney General and their staffs; the Assistant Attorney General, Office of Legislative Affairs and the Director, Office of Public Affairs and their staffs.

SAFEGUARDS:

During working hours, direct access is limited to the staff of the Executive Secretariat, and to officials with a need to know, to both hard-copy and mini-computer resident records. During nonworking hours, access to hard-copy records is limited to staff/officials with keys to both the file cabinets and rooms where the records are stored. Computer terminal locations are protected at all times with user identification numbers and passwords to the computer system.

RETENTION AND DISPOSAL:

A request for records disposition authority is being prepared for approval by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Deputy Attorney General, Department of Justice, Executive Secretariat, Room 4408, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the system manager. To locate a specific record, the system manager must be provided with the name of the individual who corresponded with the Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General, Office of Legislative Affairs; or Director, Office of Public Affairs and with the date and subject matter of the correspondence. The address is the same as above.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (Access procedures are found in Title 28 of the Code of Federal Regulations, Part 16.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (Access and contesting procedures are found in Title 28 of the Code of Federal Regulations, Part 16.)

RECORD SOURCE CATEGORIES:

Control records are derived from the incoming and outgoing correspondence of the Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General, Office of Legislativce Affairs; and Director, Office of Public Affairs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85-24974 Filed 10-18-85; 8:45 am]
BILLING CODE 4410-01-M

[AAG/A Order No. 22-85]

Privacy Act of 1974; Modified System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Office of Legal Policy, Department of Justice, will modify a system of records last published on February 4, 1983, in **Federal Register** Volume 48, page 5368, and identified as the "Freedom of Information and Privacy Appeals Index, JUSTICE/OLP-001." Specifically, the Office of Legal Policy proposes to add new routine uses.

The new routine uses will permit disclosure to any civil or criminal law enforcement authorities; to officials and employees of the White House or any Federal agency; to Federal, state, and local licensing agencies or associations; and in a proceeding before a court or adjudicative body. The new routine uses, which are more fully described in the system notice reprinted below, have been italicized for public convenience.

Address and submit any comments to J. Michael Clark, Acting Assistante Director, General Services Staff, Room 9002, Justice Management Division, Department of Justice, 601 D Street NW., Washington, DC 20530 by November 20, 1985.

Since the new routine uses are compatible with the purposes for which this system is maintained, the Department will not be submitting a report to the Office of Management and Budget and the Congress.

Dated: September 26, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

JUSTICE/OLP-001

SYSTEM NAME:

Freedom of Information and Privacy Appeals Index.

SYSTEM LOCATION:

Office of Legal Policy; United States Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit administrative appeals under the Freedom of Information or Privacy Acts and initial requests for access to records located in the Office of the Attorney General, Deputy Attorney General or Associate Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains copies of administrative requests, appeals and other related correspondence filed under the Freedom of Information and Privacy Acts and copies are filed sequentially by date of receipt based on a numercial identifier assigned to each appeal. Also included are index cards which list the name of the appellant and the numercial identifier assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system was established and is maintained to enable the Office of Legal Policy to comply with the reporting requirements set forth in 5 U.S.C. 552 and 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained for the purpose of processing administrative requests and appeals under the Freedom of Information and Privacy Acts and to comply with the reporting requirements of those Acts.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to civil or criminal law enforcement agencies: Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Release of information to agencies regarding the hiring or retention of employees: Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Release of information to Federal, State, and local licensing agencies: Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Release of information before a court or adjudicative body: Information may be disclosed in a proceeding before a court of adjudicative body before which the Office of Legal Policy is authorized to appear when (a) the Office of Legal Policy, or any subdivision thereof, or (b) any employee of the Office of Legal Policy in his or her official capacity, or (c) any employee of the Office of Legal Policy in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where the Office of Legal Policy determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Office of Legal Policy to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in file folders in cabinets.

RETRIEVABILITY:

These folders are filed by the number assigned to each.

SAFEGUARDS:

These records are stored in cabinets in a lockable room.

RETENTION AND DISPOSAL:

These folders are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Privacy and Inforamtion Appeals, Office of Legal Policy, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURE:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

Those individuals who submit certain requests and all appeals under the Freedom of Information and Privacy Acts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1), (2), (3), and (4); (e)(1), (2), (4)(G) and (H), and (5); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 85-24975 Filed 10-18-85; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree, Pursuant to Clean Air Act; Syncom

In accordance with Departmental policy, 28 CFR 50.7 notice is hereby given that on September 26, 1985 a proposed Consent Decree in *U.S. v. Syncom, A Division of Schwan's Sales Enterprises, Inc.*, Civil Action No. 85-4206, was lodged with the United States District Court for the District of South Dakota, Southern Division. The complaint filed by the United States alleged violations of the Clean Air Act by Syncom due to its failure to obtain a Prevention of Significant Deterioration (PSD) permit pursuant to section 165 of the Act before commencing construction of a magnetic tape manufacturing plant in Mitchell, South Dakota. The complaint sought injunctive relief and civil penalties. The Consent Decree requires Syncom to obtain a PSD permit and install any necessary pollution control technology within one year of approval, conduct air monitoring for two years from the date of entry of the Consent Decree and pay a civil penalty of $60,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *U.S. v. Syncom*, D.J. Ref. 90-5-2-1-815.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Philip N. Hogen, 135 Federal Building and U.S. Courthouse, 400 S. Phillips Avenue, Sioux Falls, South Dakota 57102 and at the Region VIII Office of the Environmental Protection Agency, 999 19th Street, Suite 1300, Denver, Colorado 80202-2413. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Enviromental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.30 (10 cents per page reproduction cost) payable to the Treasury of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-25008 Filed 10-18-85; 8:46 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Penick Corp.; Registration

By notice dated July 24, 1985, and published in the **Federal Register** on July 31, 1985; (50 FR 31058), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Pholcodine (9314)	I
Alphacetylmethadol (9603)	I
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Pethidine (meperidine) (9230)	II
Methadone (9250)	II
Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium Extracts (9610)	II
Opium Fluid Extracts (9620)	II
Tincture of Opium (9630)	II
Powdered Opium (9639)	II
Granulated Opium (9640)	II

Drug	Schedule
Mixed Alkaloids of Opium (9648)	II
Concentrate of Poppy Straw (9670)	II
Phenazocine (9715)	II
Fentanyl (9801)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Dated: October 15, 1985.

[FR Doc. 85-24997 Filed 10-18-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Wyeth Laboratories, Inc.; Registration

By Notice dated August 2, 1985, and published in the **Federal Register** on August 8, 1985; (50 FR 32123), Wyeth Laboratories Inc., 611 East Nield Street, West Chester, Pennsylvania 19382, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Pethidine (meperidine) (9230)	II
Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine (9232)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 15, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-24998 Filed 10-18-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-165; Exemption Application NO. D-532 et al.]

Grant of Individual Exemptions; Operating Engineers Tension Trust et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c) (2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Operating Engineers Pension Trust (the Pension Plan) and Operating Engineers Journeyman and Apprenticeship Training Trust (the Training Plan; together, the Plans) Located in Los Angeles, California

[Prohibited Transaction Exemption 85-165; Exemption Application Nos. D-5324 and D-5325]

Exemption

The restrictions of section 406(a) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the proposed use by the Training Plan of a parcel of real property (the Property) owned by the Pension Plan, under the terms described in the notice of proposed exemption, provided such terms are at least as favorable to the Plans as those obtainable in an arm's-length transaction with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 17, 1985 at 50 FR 15241.

Written Comments and Hearing Requests

The Department received no requests for a public hearing. However, the Department did receive written comments from one commentator.

The commentator alleged that interested persons were not given sufficient time to submit comments to the Department with respect to the proposed exemption. The applicants responded to the allegation with evidence that notice was furnished to interested persons by the date specified in the proposed exemption. While there is some dispute as to whether notice was provided in timely fashion, the Department has kept the record open for comments well beyond the original due date for comments.

The commentator also objected to the reference to the Property in the notice of pendency as consisting of approximately 4,367 acres. The commentator remarked that Plan records indicated that the Property consisted of 4.596 acres. The applicants responded with an explanation that the Escrow Instructions and Purchase

Agreement entered into by the Pension Plan when it originally purchased the Property described the Property as consisting of 4,596 acres, but required an accurate survey of the Property as a condition to the close of escrow. The survey of the Property showed that the Property actually contained 4,367 acres.

The commentator expressed concern with the mention in the notice of pendency that a portion of the Property is to be annexed by the City of Thousand Oaks. The applicants responded with an assurance that all of the Property will continue to be owned by the Pension Plan regardless of whether any portion of the Property is annexed by the City of Thousand Oaks.

The commentator commented that the Property was originally purchased by the Pension Plan for the purpose of providing low-cost affordable housing for retirees, and that the housing to be built on the subject Property would not be affordable. The applicants reponded that the question of whether retired participants of the Pension Plan would be financially able to afford housing which may eventually be developed on the Property is completely irrelevant to the merits of the proposed exemption. The Department notes that the sale of any housing developed on the Property to participants of the Pension Plan, should the Pension Plan undertake the development and sale of the Property rather than sell to third parties for development, would constitute prohibited transactions. Exemptions for such prohibited transactions were not requested by the applicants, and no such relief is being provided herein by the Department.

The commentator also questioned the selection of Buss-Shelger Associates (BSA) as the Pension Plan's independent fiduciary for the subject transaction, and the selection of Haaland & Associates (Haaland) to represent the Pension Plan's interests in relation to the governmental authorization of specific plans for use of the Property. The commentator alleged the payment of illegal kickbacks, commissions and fees in connection with the selection of BSA and Haaland. The applicants submitted a written declaration by Leo A. Majich, the Fund Manager for the Pension Plan, stating that the unsupported allegations made by the commentator in this connection were false and without any foundation whatsoever in fact. Mr. Majich in his response declared that no payments of any kind were made to any party by either BSA or Haaland in order to be retained by the Pension Plan to provide the professional services involved.

The Department has considered the entire record, including the comment letter received and the applicants' response to the comment letter, and has determined to grant the exemption as it was proposed.

For Further Information Contact: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Don C. Quast, M.D., Professional Association Defined Benefit Pension Plan and Trust (the Plan) Located in Houston, Texas

[Prohibited Transaction Exemption 85-166; Exemption Application No. D-6205]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the proposed sale by the Plan of certain real and personal property to Don C. Quast Enterprises, Inc. (Enterprises), a corporation wholly-owned by Don C. Quast, M.D., P.A. (the Employer), the sponsor of the Plan; (2) the proposed extension of credit by the Plan to Enterprises with respect to the sale; and (3) the guarantee of the obligations of Enterprises to the Plan by the Employer and by Don C. Quast and his wife, Audrey C. Quast, as individuals; provided that the terms and conditions of the transactions are no less favorable to the Plan than those available in like transactions with unrelated parties, and that the sale price of the property is no less than its fair market value on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 19, 1985 at 50 FR 33432.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

The Equitable Life Assurance Society of the United States (Equitable) Located in New York, New York

[Prohibited Transaction Exemption 85-167; Exemption Application No. D-6306]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the purchase by Equitable of certain private placement notes of the Phillips Petroleum Company (the Notes) from Burdge, Daniels & Company, Inc. (Burdge Daniels). The Notes had previously been purchased by Burdge Daniels from Manufacturers Hanover Trust Company which was acting in its capacity as a fiduciary of the Bell System Trust (the Trust). At the time of the purchase, Equitable was a party in interest with respect to the Bell System Pension Plan and the Bell System Management Pension Plan, the assets of which are held by the Trust. The exemption will be limited solely to Equitable.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 13, 1985 at 50 FR 32658.

Correction of Proposal: The Department notes that the exemption application number published in the proposal was erroneously recorded as D-4013. The correct exemption application number, as printed above is D-6306.

Effective Date: The effective date of this exemption is July 21, 1981.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an

administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 16th day of October, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-25043 Filed 10-18-85; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

[Application No. D-6139]

Proposed Exemptions; Union Oil Employees Profit Sharing Plan et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemtions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Union Oil Employees Profit Sharing Plan (the Profit Sharing Plan), the Employee Stock Ownership Plan for Employees of Union Oil Company of California and Participating Companies (the Union ESOP), and The PureGro Company Employee Stock Ownership Plan (the PureGro ESOP, collectively, the plans) Located in Los Angeles, California.

[Application No. D-6139]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procudure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not aply to (1) the acquisition by the Plans of certain Unocal Corporation (Unocal) debt securities (the Notes), which were not qualifying employer securities on the date of acquisition, in exchange for Unocal stock held by the Plans; and (2) the holding of such non-qualifying employer securities until July 2, 1985.

Effective Dates: If this proposed exemption is granted it will be effecive from June 6, 1985 to July 2, 1985.

Summary of Facts and Representations

1. The Profit Sharing Plan is a profit sharing plan which has approximately 14,500 participants and assets of approximately $401,766,937 as of January 31, 1985. the Union ESOP is a tax credit employee stock ownership plan with approximately 14,500 participants (largely the same participants as the Profit Sharing Plan) and assets of approximately $94,640,133 as of January 31, 1985. The PureGro ESOP is a stock bonus plan with approximately 400 participants and assets of approximately $88,698 as of January 31, 1985. The trustee (the Trustee) for the Plans is Security Pacific National Bank, located in Los Angeles, California.

2. The sponsors and administrators of the Plans are Union Oil Company of California (Union) as to the Profit Sharing Plan and Union ESOP, and PureGro Company (PureGro) as to the PureGro ESOP. PureGro is a wholly owned subsidiary of Union, which is itself a wholly owned subsidiary of Unocal, a Delaware corporation. The Plans invest primarily in shares of the common stock of Unocal (the Shares). As of January 31, 1985 the Profit Sharing Plan held 9,480,421 Shares, the Union ESOP held 2,239,097 Shares, and the PureGro ESOP held 2,052 Shares. These holdings represented approximately 6.5% of the outstanding shares of Unocal.

3. Unocal was recently the target of a takeover attempt by Mesa petroleum Company and related parties (Mesa). In addition to the competing tender offers, discussed below, there were several lawsuits between Unocal and Mesa. After acquiring 23.6 million Shares, or approximately 13.6% of the outstanding Shares, Mesa commenced, on April 8, 1985, an offer to purchase 64,000,000 Shares for cash at $54 per Share (the Mesa Offer). In response, Unocal's Board of Directors rejected the Mesa Offer as "grossly inadequate" and, on April 17, 1985, commenced an offer whereby Unocal would buy back up to 87,200,000 Shares for a package of the Notes with a principal amount of $72 per share (the Unocal Offer). There were

three classes or securities which comprised the Unocal Offer. The first class is $20 principal amount senior secured notes bearing 14% annual interest due 1990 (the 14% Notes). The second class is $32 pincipal amount floating rate senior secured notes due 1991 (the Floating Rate Notes). The Floating Rate Notes bear 12.125% annual interest until August 15, 1985, which will then be adjusted quarterly to 3¼% over the three-month London Inter-Bank Offered Rate, but not less than 6%. The third class is $20 principal amount senior secured extendible notes due 1997 (the Extendible Notes). The Extendible Notes bear 13.5% annual interest until May 15, 1988, which will then be adjusted every three years to at least 120% of the effective interest rate on three year Treasury Notes. The Unocal Offer was conditioned on the success of the Mesa Offer, in that Unocal would accept no Shares unless 64,000,000 Shares were tendered to and accepted by Mesa, and provided that no Shares tendered by Mesa would be accepted. The proration and withdrawal deadline was midnight on April 30, 1985. Shares tendered after that date would only be accepted if fewer than 87,200,000 Shares had been tendered or the deadline had been extended. On April 24, 1985, the Unocal Offer was amended by waving the condition that the Mesa Offer be successful with respect to 50,000,000 Shares. In other words, Unocal would accept 50,000,000 Shares tendered to it whether or not 64,000,000 Shares were tendered to Mesa. This action was taken to encourage Unocal shareholders to tender their Shares to Unocal by increasing the likelihood that a substantial portion of the Shares tendered to Unocal would be accepted for exchange regardless of the outcome of the Mesa Offer. On April 9, 1985, the Delaware Chancery Court (the Chancery Court) issued a temporary restraining order prohibiting Unocal from excluding Mesa from participation in the Unocal Offer. On May 1, 1985, Unocal extended the proration and withdrawal deadline to May 17, 1985. On May 13, 1985, the Chancery Court issued a preliminary injunction (the Injunction) against the Unocal Offer because of its exclusion of Mesa. On May 17, 1985, the Delaware Supreme Court vacated the Injunction.

4. On May 17, 1985, the Trustee tendered all of the Shares held by the Plans to Unocal and entered into a Letter Agreement with First Boston Corporation and Shearson Lehman Brothers, Inc. (the Underwriters), whereby the Underwriters agreed to purchase that portion of the Notes received by the Plans pursuant to the Unocal offer which, if held by the Plans, would cause their holdings of Notes to be in excess of the amount of such Notes which the Plans may hold under the Act. The applicant represents that to the best of their knowledge, the Underwriters are not parties in interest with respect to the Plans. As of May 17, 1985, the Union ESOP held 2,251,397 Shares, the Profit Sharing Plan held 8,099,621 Shares and the PureGro ESOP held 2,052 Shares. On May 20, 1985, Unocal and Mesa entered into a settlement agreement under which (a) Mesa agreed to drop its takeover attempt; (b) all litigation concerning the Mesa and Unocal Offers would be settled; and (c) Unocal agreed to Mesa's participation in the Unocal Offer on the condition that Mesa return to Unocal approximately $105,000,000 principal amount in Notes in exchange for approximately 1,500,000 Shares.

5. On June 6, 1985, Unocal announced that 39.27% of all Shares tendered pursuant to the Unocal Offer would be accepted and exchanged for the Notes. The Plans therefore would receive $292,272,000 principal amount of Notes distributed as follows—$229,012,000 to the Profit Sharing Plan, $63,657,000 to the Union ESOP, and $58,000 to the PureGro ESOP. The Notes represented approximately 61% of the assets of each Plan as of June 6, 1985. Therefore, the Notes were not qualifying employer securities or "marketable obligations" under sections 407(d)(5) and 407(e), respectively, since more than 25% of the assets of each Plan were invested in debt obligations of an affiliate of the employer of Plan participants, Unocal. On June 12, 1985, Unocal filed a Form S–3 Registration Statement (the S–3) with the Securities and Exchange Commission with respect to the sale by the Plans of $210,000,000 principal amount of the Notes to the Underwriters. The Union and PureGro ESOP's agreed to sell all of the notes they would be entitled to receive, while the Profit Sharing Plan retained $82,727,000 principal amount of Notes. The S–3 became effective on June 20, 1985, and on that date the Trustee signed the Underwriting Agreement with the Underwriters. The Plans received $218,458,480 (at $74.90 per package of Notes exchanged for one Share) plus accrued interest from May 20, 1985 to the date of delivery, and the Underwriters received $1,122,920 through underwriting discounts and commissions on sales to the public. In addition, the Plans paid the Underwriters expenses of approximately $297,000. The Notes were delivered to the Plans on June 27, 1985 and the Underwriting Agreement was closed on July 2, 1985.

6. Prior to the takeover battle, the Shares traded for approximately $35 per Share on the New York Stock Exchange. During the takeover attempt, the trading price went as high as $51 per Share (on April 8, the day Mesa announced its Offer). On May 21, the day following announcement of the settlement between Unocal and Mesa, the price dropped to $33 per Share. The proration figure was announced on June 6, 1985, and the closing price on that day was $30.625 per Share. On that same day, a package of Notes exchanged for a single Share had a market price of $75.35 on a when-issued basis. The applicant represents that the failure of the Trustee to tender any Shares would have cost the Plans approximately $181,800,000, due to the difference in the value of the Shares and the Notes and the decrease in the value of the Shares after the exchange.

7. The Trustee has been a primary banker for Unocal for many years; however, it also served as a major backer of Mesa in its takeover bid and has been sued by Unocal for that action. The Trustee also formed a Unocal Special Trust Committee (the Committee) made up of senior executive officers of the Trustee and its parent, Security Pacific Corporation. The primary purpose of the Committee was to review proxy solicitations and tender offers received with respect to the Shares and to make decisions regarding the Trustee's discretion with respect to the voting or tendering of the Shares. The Committee also retained Merrill Lynch Capital Markets (Merrill Lynch), the Investment Banking Division of Merrill Lynch, Pierce, Fenner & Smith, Inc. to render financial advisory services to the Trustee. The Committee met several times to discuss both offers, to review the advice it received, and to discuss alternative courses of action. At the Committee meetings of April 28, and May 17, 1985, Merrill Lynch presented the results of its analysis. Merrill Lynch's conclusions, a presented on April 28, were that:

(a) An offer of $54 per Share was in the low to middle range of reasonable acquisition values for Unocal.

(b) A price of $72 per Share was at the very high end of the range of acquisition values for Unocal. A more realistic expectation of the acquisition value of Unocal in an orderly sale process would be in the high 50's to low 60's per Share. It was noted that the Unocal Offer was not all of the outstanding Shares.

(c) The structure and pricing of Unocal's Offer, as revised to waive the

Mesa purchase Condition for up to 50,000,000 Shares, made it all but certain that the vast majority of Shares would be tendered to Unocal prior to the Unocal proration deadline, thus preventing any such Shares from being tendered to Mesa.

(d) The Unocal Offer in effect represented a transfer of value from the Shares to the Notes to be issued in the Unocal Offer. Assuming 50,000,000 Shares were accepted by Unocal in its Offer and no further transactions affecting Unocal's Stock occurred, the market value of Unocal's stock would be expected to decline to the mid to high 30's. (e) To the extent the Unocal Offer proceeded as indicated, the Mesa Offer was unlikely to survive as structured. Any revised or new offer by Mesa would be likely to reflect the transfer of values inherent in the Unocal offer, i.e., be at a price below $54 per Share.

On May 17, Merrill Lynch presented an expanded valuation analysis with respect to the Unocal and Mesa Offers. Included in this analysis was a discussion of the impact of the various alternatives on Unocal's cash flow, capitalization and credit worthiness. Also discussed were expected values for the Notes to be issued pursuant to the Unocal Offer and the residual Shares not purchased.

Merrill Lynch confirmed its earlier conclusion that the Unocal Offer represented a transfer of value from the Shares to the Notes to be issued pursuant to its Offer, and that Plan members who failed to tender into the Unocal Offer would suffer a significant loss in the value of their plan investment.

8. The Trustee represents that based on all the information available to it and Merrill Lynch's and its own analysis of the situation, that the duty of prudence imposed by section 404 of the Act required it to tender all of the Shares held by the Plans to Unocal, even when participants directed that their Shares be tendered to Mesa or not tendered.[1] The Trustee concluded that to follow member instructions to tender to Mesa or not tender would be inconsistent with the duty of prudence imposed upon the Trustee by section 404. This conclusion was primarily based on the fact that those shareholders who tendered to Mesa or did not tender would suffer a serious loss on their investment, with the value of their Shares falling from a range in the mid $30's to low $40's to a range in the high $20's to low $30's, while the Notes, with a principal value of $72 per Share, were valued at approximately $75 per share. This created a dilemma for the Trustee, however, since it realized that the acquisition of the Notes would result in a violation of sections 406(a)(1)(E) and 407(a) of the Act because the Notes would not be qualifying employer securities. Section 407(d)(5) requires that, in order for employer securities, other than stock, to be considered qualifying employer securities, they must be "marketable obligations." Section 407(e) defines "marketable obligation" as a bond, debenture, note, or certificate if, among other conditions, no more than 25% of the assets of the plan is invested in debt obligations of the employer or an affiliate. The applicant represents that the Notes otherwise meet the definition of section 407(e). Accordingly, Unocal and the Trustee applied, on April 29, 1985, for an administrative exemption to permit the Plans to acquire and hold, for 180 days, the Notes.

7. The Trustee further represents that in order for the Plans to take advantage of the Unocal Offer, it had to tender the Plans' Shares by the proration and withdrawal deadline; originally April 30, 1985 and later extended to May 17, 1985. The Trustee tendered the Shares to Unocal on May 17, 1985, after having concluded that such tendering, and the subsequent exchange of Shares for Notes was in the best interests and protective of the Plans' participants and beneficiaries. The Trustee also took steps (the Underwriting Agreement) to assure that: (1) The Profit Sharing Plan would dispose of a sufficient quantity of Notes to bring their value to under 25% of its assets, thereby meeting the requirements of section 407(a) of the Act with respect to holding qualifying employer securities; and (2) the Union and PureGro ESOPs would dispose of all of the Notes they held, in order to maintain compliance with section 407(d)(6) of the Act and section 409 of the Code as employee stock ownership plans. The Trustee acted to insure that the Plans would hold the Notes for a minimum amount of time and still be able to get a fair price for them. The Trustee also represents that to the best of its and Unocal's knowledge, neither of the Underwriters nor any of their affiliates is a party in interest with respect to any of the Plans.

8. In summary, the applicant represents that the transaction satisfies the criteria of section 408(a) of the Act because: (a) the Plans received a price for their Shares at the high end of the range of acquisition values for Unocal; (b) failure by the Trustee to tender the Plans' Shares would have cost the Plans over $180,000,000; (c) the Plans received the same Notes, in the same proportion to Shares tendered, as other Unocal shareholders; (d) the Trustee determined that its obligation to act prudently required it to tender the Shares; and (e) after the sale of Notes to the Underwriters, the Union and PureGro ESOP's will hold no Notes and Notes will represent approximately 22% of the Profit Sharing Plan's assets.

For Further Information Contact: David Lurie of the Department, telephone (202) 523-8884. (This is not a toll-free number.)

Sacramento Plastic & Reconstructive Surgery Medical Group, Inc. Pension Plan (Pension Plan), Sacramento Plastic & Reconstructive Surgery Medical Group, Inc. Profit Sharing Plan (Profit Sharing Plan; collectively, the Plans) Located in Sacramento, California

[Application Nos. D-6236 and D-6258]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed loan of $300,000 by the Profit Sharing Plan and $200,000 by the Pension Plan to Plastic Surgery Associates (the Partnership) and to the guarantee of repayment by the partners of the Partnership, provided that the terms of the transaction are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plans are a pension plan and a profit sharing plan, with each plan having 27 participants. The Pension Plan had net assets of approximately $1,374,687 and the Profit Sharing Plan $2,042,921 as of December 31, 1984.

2. Sacramento Plastic and Reconstructive Surgery Medical Group, Inc. (the Employer) conducts its business in a building located at 95 Scripps Drive, Sacramento, California (the Property). The Property is owned by the Partnership, a general partnership composed of 6 doctors who own 100% of the stock of the Employer. The

[1] The Department offers no opinion herein as to whether a decision not to tender the Shares would have violated section 404.

Partnership leases the Property to the Employer.

3. The proposed transaction is the loan by the Plans to the Partnership of $500,000.00 ($300,000.00 from the Profit Sharing Plan and $200,000.00 from the Pension Plan; hereinafter referred to as the Loan) with the Profit Sharing Plan acquiring a 60% participating interest in the Loan and the Pension Plan acquiring a 40% participating interest. The Loan will be for a period of 10 years with interest payable on the unpaid principal balance at the rate of 13½% per annum. The Loan will be repaid in equal monthly installments of principal and interest and will be secured by a first deed of trust on the Property. Mr. William J. Corcoran, an unrelated MAI appraiser, with the firm of William J. Corcoran & Associates, Inc., appraised the Property as having a fair market value of $1.6 million as of March 25, 1985. Therefore, the collateral to loan ratio would be approximately 320%. The applicant represents that the collateral for the Loan will never be less than 200% of the outstanding Loan balance. In addition, each partner of the Partnership will personally guarantee payment of the Loan, the partners having a total net worth exceeding $7.5 million. The applicant represents that the Property will be insured and the Plans will be named loss payee under the insurance.

4. The Plans have appointed Mr. Andrew Davis (Mr. Davis) to serve as independent fiduciary with respect to the proposed Loan. Mr. Davis represents that he has been involved in the real estate business since 1959 and has substantial experience in negotiating real estate financing transactions. Mr. Davis states that he has been advised by legal counsel of his duties, responsibilities and potential liabilities in serving as an independent fiduciary. Mr. Davis has no other relationship with the Employer, the Partnership or any of its partners or the Plans, other than serving as independent fiduciary for this transaction.

Mr. Davis represents that he has examined the terms of the proposed Loan and the history of the Employer and the Plans and he has determined that the Loan will be suitable for each of the Plans. In reaching this conclusion Mr. Davis reviewed the Plans' overall investment portfolio and found that the Loan would be advantageous to the Plans and would not impair the Plans' cash flow needs or disrupt their investment policy. The Plans' assets would continue to remain diversified with less than 20% of each Plan's assets being invested in real estate related investments. Mr. Davis reviewed the interest rate to be paid to the Plans and found that it represented the rate which a bank would charge the Partnership for a similar loan. In addition, the Property acting as collateral for the Loan represents 320% of the Loan amount and is more than adequate to secure the Loan.

Mr. Davis has agreed to accept the responsibility for enforcing the terms of the Loan agreement between the Partnership and the Plans, including making demand for timely payment, bringing suit or other appropriate action against the Partnership in the event of default and keeping accurate records and reporting annually to each of the Plans' trustees on the performance of the Loan. Mr. Davis will take whatever steps are necessary during the year to ensure that the value of the collateral to loan value is equal to at least 200% of the outstanding balance of the Loan during the term of the Loan.

5. In summary, the applicant represents that the proposed Loan meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Loan will be approved and monitored by Mr. Davis;

(b) The Loan will be secured by collateral which at all times will be at least equal to 200% of the outstanding Loan balance; and

(c) Mr. Davis has determined that the transactions are appropriate and suitable for the Plans.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthemore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 16th day of October, 1985.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-25044 Filed 10-18-85; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Forms Submitted to the Office of Management and Budget (OMB) for Clearance

The following package was submitted to OMB for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Subject: Share Insurance Capitalization Deposit Computation and Operating Fee Computation (NCUA 1305)—Share Insurance Capitalization Deposit (NCUA 1304).

Respondents: Federal Credit Unions and Federally Insured State Chartered Credit Unions.

Abstract: The subject forms provide for the maintenance of a deposit by each federally insured credit union in the National Credit Union Share Insurance Fund. The amount of the deposit is equal to one percent of each credit union's insured shares. The NCUA 1305 also provides for payment

of an annual operating fee by federal credit unions.

OMB Desk Officer: Robert Neal.

Written comments and recommendations regarding the subject information collection package should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Copies of the above request for clearance package may be obtained by calling the National Credit Union Administration, Office of Programs, Department of Supervision and Examination on (202) 357–1065.

Rosemary Brady,

Secretary of NCUA Board.

[FR Doc. 85–24985 Filed 10–18–85; 8:45 am]

BILLING CODE 7535–21–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, November 1, 1985, from 9:00 a.m.–5:30 p.m., and on Saturday, November 2, 1985, from 9:00 a.m.–6:30 p.m. in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on November 1, from 9:00 a.m.–5:30 p.m. and on Saturday, November 2, from 9:00 a.m.–1:00 p.m. The topics for discussion will include: Program Review and Guidelines for Media Arts, Design Arts, Visual Arts, Music Presenters/Festivals, Dance/Inter-Arts/State Programs Touring and Presenting Initiatives and Locals Test Pilot Program; Reports for Discussion on Musical Theater, Advancement Program Evaluation; Long-Term Enhancement; Arts Education; Special Constituencies and a Design Arts/Visual Arts Initiative.

The remaining sessions of this meeting on Saturday, November 2, from 2:00–6:30 p.m. are for the purpose of Council review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

October 11, 1985.

[FR Doc. 85–24695 Filed 10–18–85; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 55–60575; ASLBP No. 86–515–01–SP]

Kenneth L. Burton (Senior Operator License for Millstone Nuclear Power Station, Unit 3); Hearing

October 15, 1985.

By letter dated July 3, 1985, Kenneth L. Burton, an applicant for a senior operator license for the Millstone Nuclear Power Station, Unit 3, was informed by NRC's Region I office that he had failed the simulator portion of his May 23, 1985 license test and that his license application thus was denied. By letter dated July 12, 1985, Mr. Burton provided comments on and requested a hearing regarding the denial of his license application. Thereafter, the NRC Staff instituted an internal review of the denial of the application. By letters dated August 27 and September 19, 1985, Mr. Burton was informed that, on the basis of a review of his examination and his comments by officials of Region I and the Office of Nuclear Reactor Regulation, no adequate grounds had been found for a reversal of the denial of his license application. By letter dated September 23, 1985, Mr. Burton again requested a hearing concerning this denial.

By order dated October 10, 1985, the Commission directed the Chairman of the Atomic Safety and Licensing Board Panel to issue a notice of hearing relative to Mr. Burton's hearing request and to designate a member of that panel, who also is an Administrative Law Judge, to act as the presiding officer at the adjudicatory proceeding relative to Mr. Burton's hearing request. The Commission also directed that the proceeding should be conducted in accordance with the procedures for formal adjudication as set out at 10 CFR Part 2, Subpart G and that the presiding officer shall consider whether during his simulator exam Mr. Burton failed to take timely, adequate control of the plant in a serious casualty situation involving outside release, and thus whether his license application properly was denied by the NRC Staff for that reason.

Therefore, notice is hereby given that, pursuant to the Commission's Order of October 10, 1985, a hearing on the denial of Mr. Burton's license shall be conducted in accordance with the provisions of 10 CFR Part 2, Subpart G. Administrative Law Judge Ivan W. Smith is designated to preside over the proceeding. The presiding officer shall consider whether during his simulator exam Mr. Burton failed to take timely, adequate control of the plant in a serious casualty situation involving outside release, and thus whether his license application properly was denied by the NRC Staff for that reason.

Within twenty days after the service of this notice, Mr. Burton shall file an answer to the reasons set forth by NRC Region I in its letter of August 27, 1985 for the denial of his application for a senior reactor operator license and he shall state his position on the issue to be considered by the presiding officer. Within ten days after the service of Mr. Burton's answer, the NRC Staff may file a reply.

The time and place of the hearing and any prehearing conferneces will be fixed by subsequent order of the presiding officer.

Dated at Bethesda, Maryland, this 15th day of October 1985.

B. Paul Cotter, Jr.,

Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 85–25039 Filed 10–18–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–456–OL; 50–457–OL; ASLBP No. 79–410–03–OL]

Commonwealth Edison Co. (Braidwood Nuclear Power Station, Units 1 and 2); Location Change

October 15, 1985.

Before Administrative Judges: Herbert Grossman, Chairman, Dr. A. Dixon Callihan, Dr. Richard F. Cole.

Please take notice that the location of the hearing on Rorem Contention 1(a), involving the dissemination of information to the public regarding radiological emergencies, scheduled to begin at 9:30 a.m. on October 29, 1985, has been moved to the Will County Office Building, Boardroom, Second Floor, 302 North Chicago Street Joliet, IL 60431.

The public is invited to attend.

For the Atomic Safety and Licensing Board.
Bethesda, Maryland.
Herbert Grossman,
Chairman, Administrative Judge.
[FR Doc. 25040 Filed 10-18-85; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-412]

Duquesne Light Company et al. (Beaver Valley Power Station, Unit 2); Exemption

I

On October 20, 1972, the Duquesne Light Company, as an applicant and agent for the owners, tendered an application for a license to construct Beaver Valley Power Station (BVPS), Unit 2 with the Atomic Energy Commission (currently the Nuclear Regulatory Commission, or the Commission). Following a public hearing before the Atomic Safety and Licensing Board, the Commission issued Construction Permit No. CPPR-105 on May 3, 1974. The facility is a three-loop pressurized water reactor, containing a Westinghouse Electric Company nuclear steam supply system, located at a site in Beaver County, Pennsylvania.

On May 18, 1983, the applicants [1] tendered an application for an operating license, which is currently in the licensing review process.

II

The Construction Permit issued for constructing the facility provides that the facility is subject to all rules, regulations and Orders of the Commission. This includes General Design Criterion (GDC) 4 of Appendix A to 10 CFR Part 50. GDC 4 requires that structures, systems and components important to safety shall be designed to accommodate the effects of, and to be compatible with, the environmental conditions associated with the normal operation, maintenance, testing and postulated accidents, including loss-of-coolant accidents. These structures, systems and components shall be appropriately protected against dynamic effects, including the effects of missiles, pipe whipping, discharging fluids that may result from equipment failures, and from events and conditions outside the nuclear power unit.

By letter dated July 16, 1984, the applicants for Beaver Valley, Unit 2, submitted a report (Reference 1) on the technical bases for eliminating large primary loop piping ruptures as a structural design basis. This submittal, supplemented by letters dated November 5, 1984 and July 9, 1985, was made in support of a request for a schedular exemption to General Design Criterion (GDC) 4 of Appendix A to 10 CFR Part 50 in regard to the need for protection against dynamic effects from postulated pipe breaks. By means of deterministic fracture mechanics analyses, the applicants contend that postulated double-ended guillotine breaks (DEGBs) of the primary loop reactor coolant piping will not occur in the Beaver Valley, Unit 2, and therefore the dynamic loading effects associated with such breaks need not be considered as a design basis for installing protective devices such as pipe whip restraints and jet impingement shields to guard against the dynamic effects associated with such postulated breaks and need not be considered in the design on main loop piping, branch lines and branch line supports. No other changes in design requirements are addressed within the scope of the referenced reports; e.g., no changes to the definition of a LOCA nor its relationship to the regulations addressing design requirements for ECCS (10 CFR 50.46), overall containment system (GDC 16, 50), other engineered safety features and the conditions for environmental qualification of equipment (10 CFR 50.49).

III

The Commission's regulations require that applicants provide protective measures against the dynamic effects of postulated pipe breaks in high energy fluid system piping. Protective measures include physical isolation from postulated pipe rupture locations if feasible or the installation of pipe whip restraints, jet impingement shields or compartments. In 1975, concerns arose as to the asymmetric loads on pressurized water reactor (PWR) vessels and their internals which could result from these large postulated breaks at discrete locations in the main primary coolant loop piping. This led to the establishment of Unresolved Safety Issue (USI) A-2, "Asymmetric Blowdown Loads on PWR Primary Systems."

The NRC staff, after several review meetings with the Advisory Committee on Reactor Safeguards (ACRS) and a meeting with the NRC Committee to Review Generic Requirements (CRGR), concluded that an exemption from the regulations would be acceptable as an alternative for resolution of USI A-2 for 16 facilities owned by 11 licensees in the Westinghouse Owner's Group (one of these facilities, Fort Calhoun, has a Combustion Engineering nuclear steam sypply system). This NRC staff position was stated in Generic Letter 84-04, published on February 1, 1984 (Reference 2). The generic letter states that the affected licensees must justify an exemption to GDC 4 on a plant-specific basis. Other PWR applicants or licensees may request similar exemptions from the requirements of GDC 4 provided that they submit an acceptable technical basis for eliminating the need to postulate pipe breaks.

The acceptance of an exemption was made possible by the development of advanced fracture mechanics technology. These advanced fracture mechanics techniques deal with relatively small flaws in piping components (either postulated or real) and examine their behavior under various pipe loads. The objective is to demonstrate by deterministic analyses that the detection of small flaws by either inservice inspection or leakage monitoring systems is assured long before the flaws can grow to critical or unstable sizes which could lead to large break areas such as the DEGB or its equivalent. The concept underlying such analyses is referred to as "leak-before-break" (LBB). There is no implication that piping failures cannot occur, but rather that improved knowledge of the failure modes or piping systems and the application of appropriate remedial measures, if indicated, can reduce the probability of catastrophic failure to insignificant values.

Advanced fracture mechanics technology was applied in topical reports (References 3, 4, and 5) submitted to the staff by Westinghouse on behalf of the licensees belonging to the USI A-2 Owners Group. Although the topical reports were intended to resolve the issue of asymmetric blowdown loads that resulted from a limited number of discrete break locations, the technology advanced in these topical reports demonstrated that the probability of breaks occurring in the primary coolant system main loop piping is sufficiently low such that these breaks need not be considered as a design basis for requiring installation of pipe whip restraints or jet impingement shields. The staff's Topical Report Evaluation is attached as Enclosure 1 to Reference 2.

Probabilistic fracture mechanics studies conducted by the Lawrence Livermore National Laboratories (LLNL) on both Westinghouse and Combustion Engineering nuclear steam supply

[1] The applicants are Duquesne Light Company, Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company.

system main loop piping (Reference 6) confirm that both the probability of leakage (e.g., undetected flaw growth through the pipe wall by fatigue) and the probability of a DEGB are very low. The results given in Reference 6 are that the best-estimate leak probabilities for Westinghouse nuclear steam supply system main loop piping range from 1.2×10^{-8} to 1.5×10^{-7} per plant year and the best-estimate DEGB probabilities range from 1×10^{-12} to 7×10^{-12} per plant year. Similarly, the best-estimate leak probabilities for Combustion Engineering nuclear steam supply system main loop piping range from 1×10^{-6} per plant year to 3×10^{-6} per plant year, and the best estimate DEGB probilities range from 5×10^{-14} to 5×10^{-13} per plant year. These results do not affect core melt probabilities in any significant way.

During the past few years it has also become apparent that the requirement for installation of large, massive pipe whip restraints and jet impingement shields is not necessarily the most cost effective way to achieve the desired level of safety, as indicated in Enclosure 2, Regulatory Analysis, to Reference 2. Even for new plants, these devices tend to restrict access for future inservice inspection of piping; or if they are removed and reinstalled for inspection, there is a potential risk of damaging the piping and other safety-related components in this process. If installed in operating plants, high occupational radiation exposure (ORE) would be incurred while public risk reduction would be very low. Removal and reinstallation for inservice inspection also entail significant ORE over the life of a plant.

IV

The primary coolant system of Beavar Valley, Unit 2, described in Reference 1, has three (3) main loops each comprising a 33.9 inch diameter hot leg, a 36.2 inch diameter crossover leg and 32.2 inch diameter cold leg piping. The material in the primary loop piping is cast stainless steel (SA 351CF8A). In its review of Reference 1, the staff evaluated the Westinghouse analyses with regard to:

—The location of maximum stresses in the piping, associated with the combined loads from normal operation and the SSE;
—Potential cracking mechanisms;
—Size of through-wall cracks that would leak a detectable amount under normal loads and pressure.
—Stability of a "leakage-size crack" under normal plus SSE loads and the expected margin in terms of load;
—Margin based on crack size; and
—The fracture toughness properties of thermally-aged cast stainless steel piping and weld material.

The NRC staff's criteria for evaulation of the above parameters are delineated in its Topical Report Evaluation, Enclosure 1 to Reference 2, Section 4.1, "NRC Evaluation Criteria," and are as follows:

(1) The loading conditions should include the static forces and moments (pressure, deadweight and thermal expansion) due to normal operation, and the forces and moments associated with the safe shutdown earthquake (SSE). These forces and moments should be located where the highest stresses, coincident with the poorest material properties, are induced for ba. materials, weldments and safe-ends.

(2) For the piping run/systems under evaluation, all pertinent information which demonstrates that degradation or failure of the piping resulting from stress corrosion cracking, fatigue or water hammer is not likely, should be provided. Relevant operating history should be cited, which includes system operational procedures; system or component modification; water chemistry parameters limits and control; resistance of material to various forms of stress corrosion, and performance under cyclic loadings.

(3) A through-well crack should be postulated at the higest stressed locations determined from (1) above. the size of the crack should be large enough so that the leakage is assured of detection with adequate margin using the minimum installed leak detection capability when the pipe is subjected to normal operational loads.

(4) It should be demonstrated that the postulated leakage crack is stable under nomral plus SSE loads for long periods of time; that is, crack growth, if any, is minimal during an earthquake. The margin, in terms of applied loads, should be determined by a crack stability analysis, i.e., that the leakage/size crack will not experience unstable crack growth even if larger loads (larger than design loads) are applied. This analysts should demonstrate that crack growth is stable and teh final crack size is limited, such that a double-ended pipe break willnot occur.

(5) The crack size margin should be determined by comparing the leakage-size crack to the critical-size crack. Under normal pllus SSE Loads, it should be demonstrated taht there is adquate margin between the leakage-size crack and the critical-size crack to account for the uncertainties inherent in the analyses, and leakage detection capability. A limit-load analysts may suffice for this prupose; however, an elastic-plastic fracture mechanics (tearing instability) analysis is preferable.

(6) The materials data provided should include types of materials and materials specifications used for base metal, weldments and safe-ends, the materials properties including the J–R curve used in the analyses, and long-term effects such as thermal aging and other limitations in valid data (e.g., J maximum, maximum crack groth).

V

Based on its evaluation of the applicants' submittal and the analysis contained in Westinghouse Report WCAP-10565 (Reference 1), the staff finds that the applicants have presented an acceptable technical justification, addressing the above crieteria, for not installing protective devices to deal with the dynamic effects of large pipe ruptures in the main loop primary coolant system piping of Beaver Valley, Unit 2. This finding is predicated on the fact that each of the parameters evaluated for Beaver Valley, Unit 2 is *enveloped* by the generic analysis performed by Westinghouse in Reference 3, and accepted by the staff in Enclosure 1 to Reference 2. Specifically:

(1) The loads associated with the highest stressed location in the main loop primary system piping are 1655 kips (axial), 12,167 in-kips (bending moment) and result in maximum stresses of about 44% of the bounding stresses used by Westinghouse in Reference 3.

(2) For Westinghouse plants, there is no history of cracking failure i reactor primary coolant system loop piping. The Westingnouse reactor coolant system primary loop has an operating history which demonstrates its inherent stability. This includes a low susceptibility to cracking failure from the effects of corrosion (e.g., intergranular stress corrosion cracking), water hammer, or fatigue (low and high cycle). This operating history totals over 400 reactor-years, including five (5) plants each having 15 years of operation and 15 other plants with over 10 years of operation.

(3) The leak rate calculations performed for Beaver Valley, Unit 2, using an initial through-wall crack of 7.5 inches are identical to those of Enclosure 1 to Reference 2. The Beaver Valley plant has an RCS pressure boundary leak detection system which is consistent with the guidelines of Regulatory Guide 1.45, and it can detect leakage of one (1) gpm in one hour. The calculated leak rate through the postulated flow results in a factor of at

least 10 relative to the sensitivity of the Beaver Valley, Unit 2 leak detection systems.

(4) The margin in terms of load of Beaver Valley, Unit 2 based on fracture mechanics analysis for the leakage-size crack under normal plus SSE loads is within the bounds calculated by the staff in Section 4.2.3 of Enclosure 1 to Reference 2. Based on a limit-load analysis, the load margin is at least 6 and based on the J limit discussed in (6) below, the margin is at least 3.0.

(5) The margin between the leakage-size crack and the critical-size crack was calculated by a limit load analysis. Again, the results demonstrated that a crack size margin of at least 3 exists and is within the bounds of Section 4.2.3 of Enclosure 1 to Reference 2.

(6) As an integral part of its review, the staff's evaluation of the material properties data of Reference 7 is enclosed as Appendix I to this Report. In Reference 7, data for ten (10) plants, including Beaver Valley, Unit 2, are presented, and lower bound or "worst case" materials properties were identified and used in the analysis performed in the Reference 3 report by Westinghouse. The applied J for Beaver Valley in Reference 1 was less than 3000 in-lb/in^2 and hence the staff's upper bound on the applied J (refer to Appendix I, page 6) was not exceeded.

In view of the analytical results presented in Reference 1 and the staff's evaluation findings related above, the staff concludes that the probability or likelihood of large pipe breaks occurring in the primary coolant system loops of Beaver Valley, Unit 2 is sufficiently low such that protective devices associated with postulated pipe breaks at the eight (8) locations per loop in Beaver Valley, Unit 2 primary coolant systems need not be installed. However, in order to provide the Commission with an opportunity to consider the long term aspects of the NRC staff's recent acceptance criteria of the "leak-before-break" approach, this exemption is limited to a period extending until the completion of the second refueling outage of Beaver Valley Unit 2, pending the outcome of the Commission rulemaking on the issue. By a letter dated July 9, 1985, DLC has requested such a schedular exemption.

The applicants' request does not affect the design bases for the containment, the emergency core cooling system, the environmental qualification of equipment for Beaver Valley Unit 2, or the support for heavy equipment, and does not propose to alter the design basis of reactor cavity and subcompartment pressurization from that originally performed which was bases on a limited displacement DECB. The staff agrees that this schedular exemption does not affect these matters.

The staff also reviewed the occupational radiation protection aspects of Duquesne Light Company's request for a schedular limited exemption to GDC-4 for the Beaver Valley Power Station, Unit 2. The acceptance criteria used in the evaluation were those stated in Section 12 of NUREG-0800, (SRP) and Regulatory Guide 8.8, "Information Relevant to Ensuring That Occupational Radiation Exposure At Nuclear Power Stations Will Be As Low As Is Reasonably Achievable." The applicants, as part of the justification for the exemption to GDC-4, have estimated an occupational dose saving for plant personnel of approximately 80 person-rem for the Unit 2 during its 40 year operating lifetime. This occupational dose estimate is based on a breakdown of occupational dose saving during inservice inspections procedures in and around the Reactor Coolant System. The staff review of the applicants' analysis shows it to be a very conservative estimate of dose saving and the staff would expect a greater dose saving due to increased efficiency in performing maintenance procedures. Therefore, from the perspective of radiation exposure and ALARA considerations, the staff finds the applicants' request acceptable.

VI

In view of the staff's evaluation findings, conclusions, and recommendations above, the Commission has determined that, pursuant to 10 CFR 50.12(a), the following exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby approves the requested schedular limited exemption from GDC 4 of Appendix A to 10 CFR Part 50, to permit the applicants to eliminate the dynamic loading effects associated with the postulated primary loop pipe breaks defined in the FSAR and as described in Part II of this report. These dynamic loading effects include pipe whip, jet impingement, and break associated dynamic transients in the main loop piping, branch lines and branch line supports. This should (1) eliminate the need to design for pipe whip and jet impingement due to postulated primary loop pipe breaks, (2) eliminate the need for pipe whip restraints (including shims) and jet impingement shields associated with the primary loop pipe breaks defined in the Final Safety Analysis Report (FSAR), and (3) eliminate the dynamic loading effects associated with the primary loop pipe breaks defined in the FSAR on primary loop piping, branch lines and their supports. Branch line LOCA loads, including their dynamic effects, would be retained in the design basis. This exemption will expire upon completion of the GDC 4 rulemaking changes but no later than the second refueling outage.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have not significant impact on the environment (50 FR 40462).

The exemption will become effective upon date of issuance.

Dated at Bethesda, Maryland, this 11th day of October, 1985.

For the nuclear regulatory commission.

Hugh L. Thompson, Jr.,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

References

(1) Westinghouse Report WCAP-10565, "Technical Bases for Eliminating Large Primary Loop Pipe Ruptures as the Structural Design Basis for Beaver Valley, Unit 2, May 1984, Westinghouse Class 2 proprietary.

(2) NRC Generic Letter 84-04, "Safety Evaluation of Westinghouse Topical Reports Dealing with Elimination of Postulated Breaks in PWR Primary Main Loops," February 1, 1984.

(3) Mechanistic Fracture Evaluation of Reactor Coolant Pipe Containing a Postulated Circumferential Throughwall Crack, WCAP-9558, Rev. 2, May 1981, Westinghouse Class 2 proprietary.

(4) Tensile and Toughness Properties of Primary Piping Weld Metal for Use in Mechanistic Fracture Evaluation, WCAP-9787, May 1981, Westinghouse Class 2 proprietary.

(5) Westinghouse Response to Questions and Comments Raised by Members of ACRS Subcommittee on Metal Components During the Westinghouse Presentation on September 25, 1981, Letter Report NS-EPR-2519, E. P. Rahe to Darrell G. Eisenhut, November 10, 1981, Westinghouse Class 2 proprietary.

(6) Lawrence Livermore National Laboratory Report, UCRL-86249, "Failure Probability of PWR Reactor Coolant Loop Piping," by T. Lo, H. H. Woo, G.S. Holman and C. K. Chou, February 1984 (Preprint of a paper intended for publication).

(7) Westinghouse Report WCAP-10456, "The Effects of Thermal Aging on the Structural Integrity of Cast Stainless Steel Piping for Westinghouse Nuclear Steam Supply Systems," November 1983, Westinghouse Class 2 proprietary.

Appendix I—Evaluation of Westinghouse Report WCAP 10456, "The Effects of Thermal Aging on the Structural Integrity of Cast Stainless Steel Piping for Westinghouse Nuclear Steam Supply Systems"

Introduction

The primary coolant piping in some Westinghouse Nuclear Steam Supply Systems (NSSS) contain cast stainless steel base metal and weld metal. The base metal and weld metal are fabricated to produce a duplex structure of delta (w) ferrite in an austenitic matrix. The duplex structure produces a material that has a higher yield strength, improved weldability and greater resistance to intergranular stress corrosion cracking than a single phase austenitic material. However, as early as 1965 (Ref. 1), it was recognized that long time thermal aging at primary loop water temperatures (550°F–650°F) could significantly affect the Charpy impact toughness of the duplex structured alloys. Since the Charpy impact test is a measure of a material's resistance to fracture, a loss in Charpy impact toughness could result in reduced structural stability in the piping system.

The purpose of Report WCAP 10456 is to evaluate whether cast stainless steel base metal and weld metal containing postulated cracks will be sensitive to unstable fracture during the 40 year life of a nuclear power plant. In order to determine whether a piping system will behave in such a fashion, the pipe materials' mechanical properties, design criteria and method of predicting failure must be established. In this evaluation, the NRC staff assesses the mechanical properties of thermally aged cast stainless steel pipe materials, which are reported in WCAP–10456.

Discussion

1. Weld Metal

Report WCAP–10456 refers to test results reported in a paper by Slama, et al. (Ref. 2) to conclude that the weld metal in primary loop piping would not be overly sensitive to aging and that the aged cast pipe base metal material would be structurally limiting. In the Slama report, eight (8) welds were evaluated. The tensile properties were only slightly affected by aging. The Charpy U-notch impact energy in the most highly sensitive weld decreased from 7daJ/cm^2 (40 ft-lbs) to near 4daJ/cm^2 (24 ft-lbs) after aging for 10,000 hours at 400°Ψ (752°F). This change was not considered significant. The relatively small effect of aging on the weld, as compared to cast pipe material was reported to be caused by a difference in microstructure and lower levels of ferrite in the weld than in the cast pipe material.

2. Cast Stainless Steel Pipe Base Metal

Report WCAP 10456 contains mechanical property test results from a number of heats of aged cast stainless steel material and a metallurgical study, which was performed by Westinghouse, to support a statistically based model for predicting the effect of thermal aging on the Charpy impact test properties of cast stainless steel. As a result of these tests and the proposed model, Westinghouse concluded that the fracture toughness test results from one heat of material tested represents end-of-life conditions for the 10 plants surveyed. The 10 plants surveyed are identified as Plants A through J.

A. *Mechanical Property Test Results Reported in WCAP–10456.* Mechanical property test results on aged and unaged cast stainless steel materials were reported in papers by Landerman and Bamford (Ref. 3), Bamford, Landerman and Diaz (Ref. 4), Slama et. al; these papers were discussed in WCAP–10456. In addition, Westinghouse performed confirmatory Charpy V notch and J-integral tests on aged cast stainless steel material, which was tested and evaluated by Slama's group.

The results of these tests indicate that:

(1) The fatigue crack growth rate of aged or unaged material in air and pressurized water reactor environments were equivalent.

(2) Tensile properties were essentially unaffected except for a slight increase in tensile strength and a decrease in ductility.

(3) J-integral test results indicate that the J_{1c} and tearing modulus, T, are affected by aging.

b. *Mechanism Study in WCAP 10456.* The tests and literature survey conducted by Westinghouse indicate that the proposed mechanism of aging occurs in the range of operating temperatures for pressurized water reactors and the data from accelerated aging studies can be used to predict the behavior at operating temperatures.

c. *Cast Stainless Steel Pipe Test.* The materials data discussed in the previous section of this evaluation were obtained from small specimens. As a consequence, the J-R results are limited to relatively short crack extensions. To investigate the behavior of cast stainless steel in actual piping geometry, Westinghouse performed two experiments, one of which was with thermally aged cast stainless steel and the other test was identical except that the steel was not thermally aged.

Each pipe tested contained a throughwall circumferential crack to the extent specified in WCAP 10456. The pipe sections were closed at the ends, pressurized to nominal PWR operating pressure and then bending loads were applied.

The results of the tests were very similar, in that both pipes displayed extensive ductility, and stable crack extension. There was no observed unstable crack extension or fast fracture.

The results of the Westinghouse pipe experiments indicate that cast stainless steel, both aged and unaged, can withstand crack extension well beyond the range of the J–R results with small specimens. However, if crack extensions is predicted in an actual application of thermally aged cast stainless steel in a piping system, we believe that it is prudent to limit the applied J to 3000 in-lbs/in^2 or less unless further studies and/or experiments demonstrate that higher values are tolerable. Loss of initial toughness due to thermal aging of cast stainless steels at normal nuclear facility operating temperatures occurs slowly over the course of many years; therefore, continuing study of the aging phenomenon may lead to a relaxation of this position. Conversely, in the unlikely event that the total loss of toughness and the rate of toughness loss are greater than those projected in this evaluation, the staff will take appropriate action to limit the values to that which can be justified by experimental data. Because the aging is a slow process, the staff believes there would be sufficient time for the staff to recognize the problem and to rectify the situation. However, the staff believes this situation is highly unlikely because the staff has accepted only the lower bounds of data that were gathered among ten plants encompassing the range of materials in use.

d. *Effects of Thermal Aging on Westinghouse-Supplied Centrifugally Cast Reactor Coolant Piping Reported in WCAP–10456.* The reactor coolant cast stainless steel piping materials in the plants identified in WCAP–10456 as A through J, were produced to Specification SA–351, Class CF8A as outlined in ASME Code Section II, Part A, and also to Westinghouse Equipment Specification G–678864, as revised. For these materials, Westinghouse has calculated the predicted end-of-life Charpy U-notch properties, based on their proposed model. The two standard deviation end-of-life lower limit value for all the plants surveyed was greater than the Charpy U notch properties of the aged reference materials, which

Westinghouse indicates represents end-of-life properties for all the plants. As a result, Westinghouse concluded that the amount of embrittlement in the aged reference material exceed the amount projected at end-of-life for all cast stainless steel pipe materials in Plants A through J.

Conclusions

On the basis of its review of the information and data contained in Westinghouse Report WCAP–10456, the staff concludes that:

1. Weld metal that is used in cast stainless steel piping system is initially less fracture resistant than the cast stainless steel base metal. However, the weld metal is less susceptible to thermal aging than the cast stainless steel base metal. Hence, at end-of-life the cast stainless steel base metal is anticipated to be the least fracture resistant material.

2. The Westinghouse proposed model may be used to predict the relative amount of embrittlement on a heat of cast stainless steel material. The two standard deviation lower confidence limit for this model will provide a useful engineering estimate of the predicted end-of-life Charpy impact properties for cast stainless steel base metal.

3. Since there is considerable scatter in J-integral test data for the heats of material tested, lower bound values for J_{1c} and T should be used as engineering estimates for the fracture resistance of the aged reference material. We believe these values should also provide a lower bound for the fracture resistance of aged and unaged weld metal. If crack extension is predicted in an actual application of cast stainless steel in a piping system, we conclude that the applied J should be limited to 3000 in-lbs/in ^{2} or less unless further studies and tests demonstrate that higher values are tolerable. The Westinghouse pipe tests demonstrate that this may be possible.

4. Since the predicted end-of-life Charpy impact values for the materials in Plants A through J are greater than the value measured for the aged reference material, the lower bound fracture properties for aged reference material may be used to determine the fracture resistance for the cast stainless steel material in Plants A through J.

References

(1) F. H. Beck, E. A. Schoefer, J. W. Flowers, M. E. Fontana, "New Cast High Strength Alloy Grades by Structural Control," ASTM STP 369 (1965)

(2) G. Slama, P. Petrequin, S. H. Masson, T. R. Mager, "Effect of Aging on Mechanical Properties of Austenitic Stainless Steel Casting and Welds," presented at SMIRT 7 Post Conference Seminar 6—Assuring Structural Integrity of Steel Reactor Pressure Boundary Components, August 29/30, 1983, Monterey, Ca.

(3) E. I. Landerman and W. H. Bamford, "Fracture Toughness and Fatique Characteristics of Centrifugally Cast Type 316 Stainless Steel After Simulated Thermal Service Conditions." Presented at the Winter Annual Meeting of the ASME, San Francisco, Ca., December 1978 (MPC–8 ASME)

(4) W. H. Bamford, E. I. Landerman and E. Diaz, "Thermal Aging of Cast Stainless Steel and Its Impact on Piping Integrity." Presented at ASME Pressure Vessel and Piping Conference, Portland, Oregon, June 1983.

[FR Doc. 85–5036 Filed 10–18–85; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–4 and NPF–7, issued to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), for operation of the North Anna Power Station, Unit No. 1 and No. 2 located in Louisa County, Virginia, in accordance with the licensee's application for amendments dated September 24, 1985. The proposed changes would revise section 4.7.10 of the NA–1&2 Technical Specifications (TS) by modifying portions of the visual inspection criteria for hydraulic snubbers, establish separate sampling methods for the functional tests for small and large bore snubbers and establish functional test methods for large bore snubbers. These changes are itemized below:

Item 1: A proposed change would modify and clarify the number of small and large bore snubbers that require functional testing. The TS as presently specified do not separate small and large bore snubbers into groups or specify the number of large bore snubbers to be tested. The proposed change would require that 10 percent of the large bore snubbers be tested to determine an initial sample size for functional testing. This change is in conformance with NRC Generic Letter 84–13 and represents an increase in the number of large bore snubbers to be tested at NA–1&2.

Item 2: A proposed change would modify the criteria for determining the operability of hydraulic snubbers with as-found, uncovered fluid ports. The change would allow functional testing of snubbers (uncovered fluid ports) to commence with the as-found snubber piston rod position extended in the tension mode direction which requires fluid to be supplied to the snubber block valve and cylinder to accommodate piston rod movement. Provided the snubber (uncovered fluid port) can be tested in the conservative manner as described above, the snubber would be declared operable for the purpose of determining the next visual inspection interval for hydraulic snubbers.

Item 3: A proposed change would permit an inoperable snubber that cannot be determined operable by functional testing to be declared operable for the purpose of establishing an inspection interval, if it can be determined that the snubber was rendered inoperable as a result of random events. Provided the snubber was rendered inoperable as a result of unexpected transients, isolated damage or other random events, similar failures would not be anticipated; and additional inspections would not be required for determining overall snubber operability. However, an engineering evaluation of component structural integrity would still be performed after each snubber failure, and the snubber would be restored to an operable status by way of repair and/or replacement if necessary.

Item 4: In the event of a large bore snubber failure, a proposed change would permit functional testing of an additional sample of 10 percent of the large bore snubbers be deferred until the next functional test period provided an engineering evaluation determined the failure was not generic in nature. If the failure of the large bore snubber should be determined to be generic, an additional sample of 10 percent of large bore snubbers would be functionally tested during the current functional test period.

Item 5: The proposed change would add snubber valve block testing as a method for functionally testing large bore snubbers. The TS require that the bleed rate and lock-up be determined by a functional test. These two parameters, bleed rate and lock-up, are based on fluid flow through the valve block which the proposed change would require for functionally testing large bore snubbers. Additionally, NA–1&2 has an Interim Program for testing large bore snubbers based on valve block testing which has been reviewed by the NRC and is so noted in Inspection Reports IR 50–338/83–29 and 50–339/83–29.

Before issuance of the proposed license amendments, the Commission will have made findings required by the

Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples which were published in the Federal Register on April 6, 1983 (48 FR 14870). Example (ii) is a change that constitutes an additional limitation, restriction or control not presently included in the TS; for example, a more stringent surveillance requirement. Also, as specified above, the Commission has provided the standards stated in 10 CFR 50.92.

Item 1 of the proposed changes as described above is enveloped by the Commission's example (ii). The proposed change would require additional testing for large bore snubbers and, therefore, represents a more stringent surveillance requirement. Also, it is noted that the proposed change is in accordance with the guidance provided in NRC Generic Letter 84–13.

Item 2 of the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change does not adversely affect the operability of hydraulic snubbers while they are in service. This change objectively determines whether or not a hydraulic snubber with an uncovered fluid port is operable for the purpose of establishing a subsequent visual inspection period. In addition, the proposed change does not create the possibility of a new or different kind of accident because this change does not involve any alterations to the physical plant which would introduce any new or unique operational modes for accident precursors. Finally, the proposed change does not involve a significant reduction in a margin of safety because the change specifies that the operability of hydraulic snubbers with uncovered fluid ports will be established through a conservative functional test.

Items 3 and 4 of the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated since small and large bore snubber failures which are determined to be non-generic in nature do not affect the TS bases for determining overall plant snubber operability. Also, the proposed changes do not involve any alteration to the physical plant which would introduce any new or unique operational modes for accident precursors. And finally, the margin of safety is not increased since any isolated failed snubber would be restored to an operable status by way of repair or replacement as may be required.

Item 5 of the proposed changes does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change does not adversely affect the operability of large bore snubbers while they are in service. The change merely allows another method to be used for the functional test of large bore snubbers. Also, the proposed change does not involve any alterations to the physical plant which would introduce any new or unique operational modes for accident precursors. Finally, the proposed change does not involve a significant reduction in the margin of safety because valve block testing is a valid functional test method that can be used in determining the operability of large bore snubbers.

Thus, the proposed changes as discussed above are either enveloped by example (ii) as published in the Federal Register (48 FR 14870) or the criteria specified in 10 CFR 50.92(c). Therefore, the NRC staff proposes to determine that the standards for determining that the proposed change in its entirety involves no significant hazards considerations are met, and that operation of the facility in accordance with the proposed changes would not involve a signifficant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday.

By November 20, 1985, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to particpate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding in the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these

requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Edward J. Butcher: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212, Attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 24, 1985 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23903 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland this 11th day of October, 1985.

For the Nuclear Regulatory Commission.

Edward J. Butcher,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 85-25038 Filed 10-18-85; 8:45 am]

BILLING CODE 7590-01-M

[License No. SNM-1956; Docket No. 70-3022]

Finding of No Significant Impact Issuance of Special Nuclear Materials; Arizona Public Service Co. et al.; Maricopa County, AZ

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Special Nuclear Material License No. SNM-1956 to the Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, Public Service Company of New Mexico, and Southern California Public Power Authority (the applicants) for the Palo Verde Nuclear Generating Station (PVNGS), Unit 3, located in Maricopa County, Arizona.

Environmental Assessment

Identification of Proposed Action

The proposed action would authorize the applicants to receive, possess, inspect, and store special nuclear materials in the form of unirradiated fuel assemblies. In addition, the license would also authorize the applicants to receive, possess, inspect, and use neutron startup sources containing Pu-Be and various detectors and fission counters containing enriched U-235. Because the neutron sources, detectors, and fission chambers are sealed and contain only small amounts (gram quantities) of nuclear material, storage and use of these materials will pose no threat to the environment. Therefore, the discussion below will be limited to assessing the potential for environmental impacts resulting from the handling and the storage of new fuel at PVNGS, Unit 3.

The Need for the Proposed Action

The proposed license will allow the applicants to receive and store fresh fuel prior to issuance of the Part 50 operating license in order to inspect the fuel and to finalize fuel preparation needed to load the fuel into the reactor vessel. Actual core loading, however, will not be authorize by the proposed license.

Environmental Impacts of the Proposed Action

A. Nuclear Criticality and Radiation Safety

Once at PVNGS, Unit 3, the new fuel may be temporarily stored in shipping containers prior to placement in the designated storage locations: the new fuel storage area and the spent fuel pool. Previous analysis of a shipping container array stacked three high and of infinite extent in the horizontal plane, with no separation between containers, and independent of the degree of water moderation and/or reflection has been determined to be critically safe. This analysis envelops the proposed PVNGS, Unit 3, shipping container array and thus assures criticality safety for such an array.

Upon removal of the fuel assemblies from the shipping containers, they are inspected and surveyed for any external contamination. Assuming no contamination is found, the assemblies are transferred to their designated storage location. Criticality safety in the storage locations is maintained by limiting interaction between adjacent

fuel assemblies. This is accomplished in the new fuel area and the spent fuel pool such that the design of the storage rocks preclude the inadvertent placement of a fuel assembly no closer than the required minimum edge-to-edge spacing between adjacent assemblies. Therefore, nuclear criticality safety of the storage racks is assured.

Since the fresh fuel assemblies are sealed sources, the principal exposure pathway to an individual is via external radiation. For low-enriched uranium fuel (<4% U-235 enrichment), the exposure level to an individual standing 1 foot from the surface of the fuel would be less than 25 percent of the maximum permissible exposure specified in 10 CFR Part 20. In addition, the applicants are committed to establishing a program for maintaining general public exposure as low as reasonably achievable. Therefore, the staff has concluded that the applicants' requested operations can be carried out with adequate radiation protection of the public and environment.

Only a small amount, if any, of radioactive waste (e.g., smear papers and/or contaminated package material) is expected to be generated as a result of fuel handling and storage operations. Any waste that is produced will be properly stored onsite until it can be shipped to a licensed disposal facility.

B. Transportation

In the event the applicants must return the fuel to the fuel fabricator, all packaging and transport of fuel will be in accordance with 10 CFR Part 71. No significant external radiation hazards are associated with the unirradiated fuel because the radiation level from the clad fuel pellets is low and because the shipping packages must meet the external radiation standards in 10 CFR Part 71. Therefore, shipment of unirradiated fuel by the applicants is expected to have an insignificant impact upon the environment.

C. Accident Analysis

In the unlikely event that an assembly (either within or outside its shipping container) is dropped during transfer, fuel cladding is not expected to rupture. Even if the fuel rod cladding were breached and the pellets were released, an insignificant environmental impact would result. The fuel pellets are composed of a ceramic UO_2 that has been pelletized and sintered to a very high density. In this form, release of UO_2 aerosol is unlikely except under conditions of deliberate grinding. Additionally, UO_2 is soluble only in acid solution so dissolution and release to the environment are extremely unlikely.

D. Conclusion

The environmental impacts associated with the handling and storage of new fuel at PVNGS, Unit 3, are expected to be insignificant. Essentially no effluents, liquid or airborne, will be released and acceptable controls will be implemented to prevent a radiological accident. Therefore, the staff concludes that there will be no significant impacts associated with the proposed action.

Alternative to the Proposed Action

The principal alternative would be to deny the requested license. Assuming the operating license will eventually be issued, denial of the storage only license would merely postpone new fuel receipt at PVNGS, Unit 3. Although denial of the Special Nuclear Materials License for PVNGS, Unit 3, is an alternative available to the Commission, it would be considered only if significant issues of public health and safety could not be resolved to the satisfaction of regulatory authorities involved.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Commission's Final Environmental Statement (NUREG–0841) dated February 1982 related to this facility.

Agencies and Persons Consulted

The Commission's staff reviewed the applicant's request of May 17, 1985, and its supplement dated August 23, 1985, and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has prepared an Environmental Assessment related to the issuance of Special Nuclear Materials License No. SNM–1956. On the basis of this assessment, the Commission has concluded that environmental impacts created by the proposed licensing action would not be signicant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

The Environmental Assessment and the above documents related to this proposed action are available for public inspection and copying at the Commission's Public Document Room, 1717 H. Street, NW., Washington, DC. Copies of the Environmental Assessment may be obtained by calling (301) 427–4510 or by writing to the Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Silver Spring, Maryland, this 9th day of October 1985.

For the Nuclear Regulatory Commission.

W.T Crow,

Acting Chief, Uranium Fuel Licensing Branch, Divison of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 85–25037 Filed 10–18–85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Combined Subcommittees on Waste Management and Metal Components; Meeting

The ACRS Subcommittees on Waste Management and Metal Components will hold a combined meeting on October 24 and 25, 1985, Room 1046, 1717 H Street, NW, Washington, DC. The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, October 24, 1985 - 8:30 a.m. until the conclusion of business

Friday, October 25, 1985 - 8:30 a.m. until the conclusion of business

The Subcommittees will review NRC's: (1) High-Level Waste Program Programmatic Overview and Approach—Products, Activities and Schedules; (2) Definition of High-Level Radioactive Wastes; (3) General Technical Approach to Identify Licensing Information Needs—Overview of Performance Assessment Methodologies and Issues; (4) Final Waste Form Package Reliability Generic Technical Position; and (5) High-Level Radwaste Form and Container Materials Research and Technical Assistance Programs.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff

and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff members, Mr. Owen S. Merrill and Mr. Elpidio G. Igne (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 16, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-25041 Filed 10-18-85; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed form, OPM 1536, Former Spouse's Application for Survivor Annuity Under the Civil Service Retirement System.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a proposed information collection from the public. OPM 1536, Former Spouse's Application for Survivor Annuity Under the Civil Service Retirement System, was developed by the Office of Personnel Management (OPM) to provide information to determine entitlement of survivor annuity and/or lump-sum benefits under the Civil Service Retirement System. The form is completed by former spouses making claims as survivors due to the death of a Federal employee or an annuitant. For copies of this proposal, call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

ADDRESSES: Send or deliver comments within 10 working days from the date of publication to:

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E. St., N.W., Room 6410, Washington, D.C. 20415
and
Katie Lewis, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Jams L. Bryson (202) 632-5472.
Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 85-25045 Filed 10-18-85; 8:45 am]

BILLING CODE 6325-01-M

Proposed Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed form SF 2800, Application for Death Benefits.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a proposed information collection from the public. SF 2800, Application for Death Benefits, was developed by the Office of Personnel Management (OPM) to provide information to determine entitlement to survivor annuity and/or lump sum benefits under the Civil Service Retirement System (CSRS). The form is completed by persons making claim as survivors due to the death of a Federal employee, former employee or an annuitant. For copies of this proposal call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

ADDRESSES: Send or deliver comments within 10 working days from the date of publication to:

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6410, Washington, D.C. 20415
and
Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office Of Management and Budget, Room 3235, New Executive Office Building, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632-5472.

Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 85-25046 Filed 10-18-85; 8:45 am]

BILLING CODE 6325-01-M

Proposed Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed information collection, OPM 1530, "Report of Medical Examination of Person Selecting Survivor Benefit Under the Civil Service Retirement System."

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (Title 44, U.S.C., Chapter 35), this notice announces a proposed form that collects information from the public. OPM 1530, "Report of Medical Examination of Person Selecting Survivor Benefit Under the Civil Service Retirement System," was developed by the Office of Personnel Management, Civil Service Retirement System (OPM/CSRS). It is used to determine if an applicant who elects a survivor annuity for a person having an insurable interest is in good health, and is therefore eligible to make that selection. For copies of this proposal call James M. Farron, Agency Clearance Officer, on (202) 632-7714.

ADDRESSES: Send or deliver comments within 10 working days from the date of publication to:

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW, Room 6410, Washington, D.C. 20415
and
Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632-5472.

Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 85-25047 Filed 10-18-85; 8:45 am]

BILLING CODE 6325-01-M

Proposed Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed information collection, BRI 46-424, Application for Immediate or Prospective Survivor Annuity Benefits.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a proposed information collection from the public. Pub. L. 98-615 (the Spouse Equity Act of 1984) provides for survivor annuity benefits for former spouses of Federal employees who retired before May 7, 1985. BRI 46-424, Application for Immediate or

Prospective Survivor Annuity Benefits, was developed by the Office of Personnel Management (OPM) to provide information to determine the entitlement to survivor benefits under the Civil Service Retirement System. The form is completed by former spouses who must meet specific requirements shown on the form. All applications must be postmarked before May 9, 1987. For copies of this proposal call James M. Farron, Agency Clearance Officer, at (202) 632–7714.

ADDRESSES: Send or deliver comments within 10 working days from the date of publication to:

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6410, Washington, D.C. 20415
and
Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, NW, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: James L. Bryson at (202) 632–5472.

Constance Horner,

Director.

[FR Doc. 85–25048 Filed 10–18–85; 8:45 am]

BILLING CODE 6325-01-M

Information Collection for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of information collection, OPM Form 805, submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., Chapter 35), this notice announces a request to extend the use of OPM Form 805 that collects information from the public. OPM Form 805, "Application to be Listed Under the Voting Rights Act of 1965," is used to elicit information from persons applying for voter registration under the authority of the Voting Rights Act of 1965. For copies of this proposal call James M. Farron, Agency Clearance Officer, on (202) 632–7714.

ADDRESSES: Send or deliver comments within 10 working days from the date of publication to—

James M. Farron, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6410, Washington, D.C. 20415
and
Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Ronald E. Brooks, (202) 632–5544.

Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 85–25049 Filed 10–18–85; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

Postal Visit; Washington, DC Post Office

October 15, 1985.

Notice is hereby given that Postal Rate Commission staff members will visit the Washington, DC Post Office on October 23, 1985, to obtain general knowledge and understanding of mail operations. A report of the visit will be on file in the Commission's Docket Room.

Charles L. Clapp,

Secretary.

[FR Doc. 25010 Filed 10–18–85; 8:45 am]

BILLING CODE 7715-01-M

DEPARTMENT OF TRANSPORTATION

Agreements Filed Under Sections 408, 409, 412 and 414 During the Week Ending October 11, 1985

Answers may be filed within 21 days from the date of filing.

Date filed	Docket No.	Parties	Subject	Proposed effective date
Oct. 8, 1985	43468	Members of International Air Transport Association	Amend Passenger Adjustment Factors from Lebanon	October 15, 1985
Oct. 8, 1985	43469	Air Traffic Conference of America, c/o Nestor N. Pylypec, 1709 New York Avenue, N.W., Washington, D.C. 20006		
		Application of Air Traffic Conference of America pursuant to Section 412 of the Act request approval of an amendment to Air Traffic Conference Resolution 20.13 "Automated Ticket/Boarding Pass (ATB) Agent".		
Oct. 9, 1985	43472	People Express, Inc., c/o Robert E. Cohn, Shaw Pittman Potts & Trowbridge, 1800 M Street, N.W., Washington, DC		
		Application of People Express, Inc. pursuant to Section 408 of the Act, requests expedited approval to acquire more than 10% of the voting securities of Frontier Airlines, Inc. and/or Frontier Holding, Inc. on the condition that all shares representing voting power at and in excess of 10% of Frontier Airlines' or Frontier's voting securities be placed in an independent voting trust in the form attached hereto as Exhibit A, pending approval by the Department of People Express' acquisition of control of Frontier.		

Phyllis T. Kaylor,

Chief, Documentary Service Division.

[FR Doc. 85–25015 Filed 10–18–85; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.); Week Ended October 11, 1985

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Oct. 10, 1985	43476	Trinidad and Tobago (BWIA International) Airways Corporation, c/o John L. Richardson, Verner, Liipfert, Bernhard, McPherson and Hand, 1660 L Street, N.W., Suite 1000, Washington, D.C. 20036. Application of Trinidad and Tobago (BWIA International) Airways Corporation, pursuant to Section 402 of the Act requests a foreign air carrier permit to engage in foreign air transportation of persons, property and mail between the terminal point Boston, Massachusetts and the terminal point Barbados via the intermediate points Kingston, Jamaica, Antigua, St. Kitts and St. Lucia. Answers may be filed by November 7, 1985.

Phyllis T. Kaylor,

Chief, Documentary Service Division.

[FR Doc. 85-25016 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-62-M

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. Order 80-2-69 established the first interim SFFL and Order 85-8-46 established the currently effective two-month SFFL applicable through September 30,1985.

In establishing the SFFL for the two-month period starting October 1, 1985, we have projected nonfuel costs based on the year ended June 30, 1985 data, and have determined fuel prices on the basis of experienced monthly fuel cost levels as reported to the Department.

By Order 85-10-31 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.1753
Latin America	1.3612
Pacific	1.2690
Canada	1.2267

FOR FURTHER INFORMATION CONTACT:
Julien Schrenk, (202) 472-5126.

Dated: October 8, 1985.

By the Department of Transportation.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-25017 Filed 10-18-85; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. EX-81-1; Notice 4]

Vintage Reproductions, Inc.; Petition for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standards Nos. 201, 206, 214; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Vintage Reproductions Inc. of North Miami, Florida in conjunction with Classic Motor Carriages, Inc. has petitioned for the renewal of a temporary exemption of its Gazelle model from certain Federal motor safety standards on grounds of substantial economic hardship. A 3-year exemption from these standards was previously granted on October 14, 1982 (47 FR 46047).

This notice of receipt of a petition for temporary exemption published in accordance with NHTSA regulations on this subject (49 CFR 555.7) and does not represent any agency decision or other exercise of judgment concerning the merits of petition.

Vintage Reproductions has manufactured less than 100 Gazelles in the 12-month period prior to the filing of its petition. The Gazelle is an open passenger car intended to resemble a 1929 Mercedes SSK. The company estimates that it had a net income of over $388,000 in its fiscal year ending March 31, 1985. To require it to comply with the four safety standards for which it seeks exemptions would, in its view, create substantial economic hardship. A summary of its request and explanations follow:

Standard No. 201—Petitioner is unable to provide the sun visor required by paragraph S3.4, presumably because its open vehicle lacks structure above the windshield frame. The Gazelle has a padded roll along the entire perimeter of the compartment and dash board, and in a collision, a belted passenger "will not * * * be pitched forward in an arch beyond the padded dash".

Standard No. 206—The present door on the Gazelle is too thin to permit compliance with S4.1.3 which requires "a locking mechanism with an operating means in the interior of the vehicle". Compliance would require reengineering "a door of much greater depth". The petitioner argues that there is a reduced likelihood of a passenger being ejected in a crash because the seats are placed to the rear of the doors.

Standard No. 214—To require conformance with the side door strength standard would result in a cost increase far in excess of the $300 per vehicle petitioner estimated in its original 1981 petition but, in the petitioner's view, passengers are protected from side impacts because of the rearward location of the seat, and its placement parallel with the all steel main frame which is 15 to 17 inches above ground level.

Standard No. 208—Petitioner was previously provided a 1-year exemption from three aspects of this standard, and its exemption expired on October 1, 1983. At that time, it had achieved compliance with two of the exempted requirements. However, it did not achieve compliance with S7.1 which requires installation of restraints incorporating emergency locking or automatic locking retractors, although it had stated that it would redesign the vehicle frame so that such retractors could be used. From October 1, 1983 to date it has manufactured Gazelles that do not meet S7.1 without the authority of an exemption, and it has continued to certify that the Gazelle is exempt from these requirements. These potential violations of 15 U.S.C. 1397(a)(1) (A) and (C) are under investigation by the

agency (CIR 2399). Petitioner avers that the envelope size of current retractors makes installation difficult because of interference with the body and the proximity of the retractor to the side.

The exemptions would be for a period of 3 years. In support of its petition Vintage argued that a grant would be in the public interest by providing continuing employment to its 300-person workforce, whose monthly payroll of $266,000 "provides a needed boost to the otherwise destitute local economy". Sales of the Gazelle in manufactured (as opposed to kit) form is represented as providing approximately 28% of the gross revenues of the company and a denial would have ramifications throughout the community. Petitioner argues that the exemptions would be consistent with the objectives of the National Traffic and Motor Vehicle Safety Act in that a limited number of exemptions for a small number of vehicles will have an inconsequential effect upon the traffic safety picture of the nation as a whole. Granting the exemption consistent with the intent of the hardship provisions of 15 U.S.C. 1410.

Interested persons are invited to submit comments on the petition for exemption of Vintage Reproductions. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the **Federal Register**.

Comment closing date: November 20, 1985.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: October 10, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85-24892 Filed 10-18-85; 8:45 am]

BILLING CODE 4912-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Dated: September 30, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0098
Form Number: IRS Form 1045
Type of Review: Revision
Title: Application for Tentative Refund

OMB Number: 1545-0119
Form Number: IRS Form 1099-R
Type of Review: Revision
Title: Statement for Recipients of Total Distributions from Profit-Sharing, Retirement Plans, Individual Retirement Arrangements, Insurance Contracts, Etc.

Clearance Officer: Garrick Shear (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Comptroller of the Currency

OMB Number: 1557-0100
Form Number: FFIEC 009
Type of Review: Revision
Title: Country Exposure Report

Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219

OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Joseph F. Maty,

Department Reports Management Office.

[FR Doc. 85-24979 Filed 10-18-85; 8:45 am]

BILLING CODE 4810-25-M

Customs Service

[T.D. 85-181]

Petitioner's Desire To Contest Decision Denying Domestic Interested Party Petition Concerning Reclassification of Certain Imported Athletic Shoes

AGENCY: Customs Service, Treasury.

ACTION: Notice of petitioner's desire to contest decision on domestic interested party petition.

SUMMARY: This document advises the public of the desire of an interested party to contest Customs decision denying its petition requesting reclassification of certain imported athletic shoes donated to the Special Olympics. The petitioner has advised Customs of its intention to file an action in the U.S. Court of International Trade.

DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Donald F. Cahill, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

On September 21, 1984, a notice was published in the **Federal Register** (49 FR 37204) indicating that Customs had received a petition from a domestic interested party filed under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), requesting that certain imported athletic shoes to be donated to the Special Olympics be reclassified as dutiable under the appropriate provisions of Schedule 7, Part 1, Subpart A, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

The shoes are structurally sound but cosmetically blemished, and are considered to be "grade B" footwear. They are currently classifiable under the provision for "regalia" in item 851.30, TSUS, and entitled to free entry pursuant to a ruling issued by Customs on June 28, 1983. Under that ruling, the shoes will be given to children who participate in Special Olympics athletic activities. They will remain the property of the Special Olympics and may be used by the participants for the duration of their involvement in Special Olympics programs. Each pair of shoes is stenciled with the Special Olympics logo.

In support of its position that imported athletic shoes are not classifiable as "regalia" under item 851.30, TSUS, the petitioner made the following arguments:

(1) Special Olympics was not established for one of the purposes enumerated in the superior heading to item 851.30, TSUS.

(2) The imported shoes are articles of "regular wearing apparel" which do not fall within the purview of the term "regalia".

(3) They are not "such insignia of rank or office, emblems, or articles as may be worn upon the person or borne in the hand during public exercises" of an eligible institution within the meaning of Headnote 2, Part 4, Schedule 8, TSUS.

(4) There is no proof that they satisfy the condition that they be worn only during public exercises of the Special Olympics; and

(5) They are not exclusively for the use of Special Olympics but are for distribution other than by way of transfer permitted by Headnote 1, Part 4, Schedule 8, TSUS.

Only one comment was received in response to the September 21, 1984, notice. The commenter endorsed classification of the imported shoes as "regalia" on the ground that Special Olympics qualifies as a nonprofit institution within the meaning of the superior heading to item 851.30, TSUS. It was also asserted that shoes having the Special Olympics logo are "regalia" because they are required in order for the children to participate in the various athletic activities of the Special Olympics.

Decision on Petition and Notice of Petitioner's Desire to Contest

After careful analysis of the comment received in response to the notice and further review of the matter, by letter dated July 15, 1985 (CLA-2 CO:R:CV:G, 076279 C), the petitioner was informed through its counsel that Customs is of the opinion that the current classification is correct, and that the petition was therefore denied.

In order for the shoes to be classified under item 851.30, TSUS; they:

—must be imported for the use of a qualified institution;
—must be "such insigna of rank or office, emblems, or other articles. . . ;"
—must be worn on the person or held in the hand;
—cannot be either regular wearing apparel or personal property of an individual;
—must be exclusively for the use of the institution involved, and not for distribution, sale or other commercial use; and
—may only be transferred from one qualified institution to another, or exported or destroyed under Customs Supervision, without duty liability being incurred.

Customs found that these conditions had been met and denied the petition for the following reasons:

(1) Special Olympics was established for one of the purposes enumerated in the superior heading to item 851.30 TSU. Specifically, it was established primarily to sponsor, promote and conduct athletic activities for the mentally retarded. Athletic competition for the mentally retarded constitutes an educational purpose in that participants in such activity learn self discipline, respect for one's body, the proper care of it and the necessity of teamwork to accomplish goals. See *Commissioners of District of Columbia v. Shannon & Luchs Const. Co., Inc.*, 17 F. 2d 219 (1927).

(2) The shoes are not "articles of regular wearing apparel" within the purview of item 851.30, TSUS, because the Special Olympics logo stenciled thereon causes them to be uniquely designed apparel imported by a qualified institution for use in its public exercises.

(3) The shoes are"articles as may be worn upon the persons * * * during pubic exercises" of an eligible institution within the meaning of Headnote 2, Part 4, Schedule 8, TSUS.

(4) For an article of wearing apparel to be considered "regalia" for tariff purposes it must be in the nature of a special costume or uniform which is not worn as regular wearing apparel and which is required to be and is only worn as a symbol during public exercise of an eligible institution. The participants in Special Olympics wear casual dress in addition to the athletic shoes. In context with Special Olympics activities, the participants are wearing a special uniform due to the nature of the activity and the fact that they are wearing shoes with the Special Olympics logo stenciled thereon.

(5) Although there has been no "proof" submitted that the shoes are worn only during the public exercises of the Special Olympics, we have not been informed that they are being used as regular shoes outside of the Special Olympics program.

(6) The written agreement between Special Olympics and the donor has been amended to reflect that the donated footwear:

—shall be given to and used by handicapped persons who are participants in Special Olympics; and
—shall remain the property of Special Olympics and can be used by the participants only so long as they remain participants in the Special Olympics Programs.

In response to Customs decision to deny the petition, on August 13, 1985, the petitioner filed notice of its desire to contest the decision in accordance with section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.23, Customs Regulations (19 CFR 175.23).

Customs has reconsidered the matter in light of the petitioners letter, but remains of the opinion that its July 15, 1985, decision is correct. That decision will stand in the absence of a contrary judgment rendered by the U.S. Court of International Trade or the U.S. Court of Appeals for the Federal Circuit.

Authority

This notice is published under the authority of section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24, Customs Regulations (19 CFR 175.24).

Drafting Information

The prinicipal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated October 16, 1985.

William von Raab,

Commissioner of Customs.

[FR Doc. 85-25004 Filed 10-18-85; 8:45 am]

BILLING CODE 4820-02-M

Notice Regarding Applications for TIR Carnet Issuing and Guaranteeing Association

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public that the Equipment Interchange Association (E.I.A.) has withdrawn as the U.S. issuing and guaranteeing association for TIR Carnets. Further, the document informs the public that Customs is accepting applications from those organizations interested in replacing the E.I.A.

TIR carnets function as the sole document necessary for the entry of road vehicles, containers, and bonded merchandise across international borders. Each of the nations agreeing to use carnets approve an organization to issue them and to guarantee the payment of obligations which may be associated with their use. The E.I.A., which had been the approved U.S. association for these purposes, has withdrawn voluntarily. Therefore, it is

necessary to solicit applications from prospective replacement organizations.

DATE: Applications must be received by November 20, 1985.

ADDRESS: Written applications should be addressed to Assistant Commissioner, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Arnold L. Sarasky, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8648).

SUPPLEMENTARY INFORMATION:

Background

This notice informs the public that the Equipment Interchange Association (E.I.A.) has voluntarily withdrawn from its position as the U.S. issuing and guaranteeing association for TIR (International Road Transport) carnets. This notification is made pursuant to § 114.12, Customs Regulations (19 CFR 114.12). The notice also advises the public that Customs is accepting applications from qualified organizations who may wish to be approved as the new U.S. issuing and guaranteeing association.

Carnets are international customs documents, backed by an internationally valid guarantee, which may be used for the transportation of merchandise in bond. The carnet is used in place of the usual national customs documentation and guarantees the payment of duties (including taxes) which may become due if the requirements under a particular customs procedure are not satisfied. The existence of a single international document rather than numerous national documents facilitates international commerce.

TIR carnets are a specialized form of carnet which authorize road vehicles, containers, and their contents to transit one or more frontiers without customs inspection at intermediate points and with a minimum of other formalities. Road vehicles and containers transit the country or move from port of entry to final destination with their contents under customs seal. Inspection is accomplished at the final destination. TIR carnets are valid until the end of the transit operation.

The U.S. is a contracting party (trading nation) under the 1975 Customs Convention on the International Transportation of Goods Under Cover of TIR Carnets which replaced the TIR Convention, 1959. The U.S. was also a contracting party to the 1959 Convention. Under this agreement, the U.S., through Customs, approves an organization in the U.S. to issue and guarantee the payment of obligation arising under carnets. The carnet guarantee is based on international chains of national guaranteeing associations established in the countries accepting the carnets. The guaranteeing association is jointly and severally liable with the carnets holder for the payment of the sums due in the event of non-compliance with the conditions of the procedures for which the carnets is used.

On February 11, 1969, a notice was published in the **Federal Register** (34 FR 1970) which invited applications from organizations willing to undertake the obligations of U.S. issuing and guaranteeing association. By T.D. 71–93, published in the **Federal Register** on April 2, 1971 (36 FR 6119), the public was notified that E.I.A. had been approved to fulfill those responsibilities. On January 22, 1985, Customs received written notification that E.I.A. intended to withdraw from its position. In accordance with § 114.12(b), Customs Regulations (19 CFR 114.12(b)), withdrawal becomes effective not less than 6 months following written notification that the approved guaranteeing association will not guarantee the payment of obligations under carnets accepted after the specified date. Accordingly, on July 22, 1985, E.I.A. ceased to be the U.S. issuing and guaranteeing association.

Solicitation for Applications

Due to the withdrawal of the E.I.A. as the U.S. issuing and guaranteeing association, it has become necessary for Customs to solicit applications for a replacement organization.

Pursuant to § 114.11, Customs Regulations (19 CFR 114.11), an association, in order to be approved by Customs, must provide in writing that it will undertake to perform the functions and fulfill the obligations specified in the 1975 Customs Convention on the International Transportation of Goods Under Cover of TIR Carnets. The text of the TIR Convention is filed with this document in the Office of the Federal Register. Copies of the TIR Convention may also be obtained by contacting the individual identified in the "For Further Information Contact" provision of this document.

To be considered, applications must be received not later than November 20, 1985. Applications should be sent to the address listed under the heading "**ADDRESS**", which appears near the beginning of this document.

William von Raab

Commissioner of Customs.

Approved: October 4, 1985.

David D. Queen,

Acting Assistant Secretary of the Treasury

[FR Doc. 85–25005 Filed 10–18–85; 8:45 am]

BILLING CODE 4820–02–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Extension of Deadline for Filing Rebuttal Briefs

The deadline for filing rebuttal briefs announced in the **Federal Register** dated September 18, 1985 (50 FR 37608–37609), on the initiation of section 301 investigation on Brazil's Informatics Policy [Docket No. 301–49], Korea's Restrictions on Insurance Services [Docket No. 301–51], and Japan's Practice With Respect to the Manufacture, Importation, and Sale of Tobacco Products [Docket No. 301–50] has been extended to c.o.b. October 21, 1985.

Jeanne Archibald,

Chairman, Section 301 Committee.

[FR Doc. 85–25097 Filed 10–18–85; 8:45 am]

BILLING CODE 3190–01–M

UNITED STATES INFORMATION AGENCY

[Delegation Order No. 85–7]

Authority Delegation; Associate Director for Management, the Director of the Office of Contracts, and the Director of the Office of Administration and Technology

Pursuant to the authority vested in me as Director of the United States Information Agency by Reorganization Plan No. 2 of 1977, sections 303(c)(1) and 307 of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 253(c)(1) and 257), Executive Order 12048 of March 27, 1978 and Executive Order 12388 of October 14, 1982, I hereby delegate to the Associate Director for Management, the Director of the Office of Contracts, and the Director of the Office of Administration and Technology, severally, the authority to make all determinations and decisions with respect to the standardization of material, equipment and other personal property to be acquired for Agency use.

In the event of any vacancy in any of the foregoing offices, or during the

incapacity or absence of any of such officers, the authority delegated hereunder may be exercised by the officer exercizing on an acting basis the functions of the office concerned.

Notwithstanding any other provision of this Delegation, the Director may at any time exercise any authority delegated herein.

This delegation is effective immediately.

Dated: October 7, 1985.

Marvin L. Stone,

Acting Director.

[FR Doc. 85-25009 Filed 10-18-85; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 203
Monday, October 21, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m. Monday, October 21, 1985.

LOCATION: Third Floor Hearing Room 1111-18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Meeting of Commission/ANSI/CPSC Coordinating Committee: Proposal to Create Industry Advisory Council

The Commission will meet with members of the American National Standards Institute and the Consumer Product Safety Commission Coordinating Committee to discuss a proposal for CPSC to sponsor an industry advisory council which would be composed of Commission representatives and representatives of industry. The purpose of the council would be to advise and assist manufacturers in incorporating product safety considerations at the design and manufacturing stages of a product. Representatives of the Whirlpool Corporation will make a presentation. There will also be a report on the October 18, 1985 hearing in Los Angeles on voluntary standards and the September 17-18, 1985 National Conference on Safety for Older Consumers.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave. Bethesda, Md. 20207 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

October 16, 1985.

[FR Doc. 85-25052 Filed 10-17-85; 8:59 am]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, October 24, 1985. See times below.

LOCATION: Room 456, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Open to the Public

8:30 a.m.

1. Commission/Staff Briefing

The staff and the Commission will discuss various general CPSC matters.

Closed to the Public

9:30 a.m.

2. Compliance Status Report

The staff will brief the Commission on various enforcement matters.

3. Enforcement Matter OS# 3677

The staff will brief the Commission on issues related to enforcement matter OS# 3677.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

October 16, 1985.

[FR Doc. 85-25053 Filed 10-17-85; 8:59 am]

BILLING CODE 6355-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, October 28, 1985, 2:00 p.m. (eastern time).

PLACE: Tremont Plaza, 222 St. Paul Street, Baltimore, Maryland 21202.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Revised Procedures for Processing Cases Filed Pursuant to Title VII, ADEA, and EPA

Closed

Litigation Authorization; GC Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, at (202) 634-6748.

Dated: October 16, 1985.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued October 16, 1985.

[FR Doc. 85-25133 Filed 10-17-85; 2:23 pm]

BILLING CODE 6750-06-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that a 6:37 p.m. on Friday, October 11, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Saratoga State Bank, Saratoga, Wyoming, which was closed by the Wyoming State Examiner on Friday, October 11, 1985; (2) accept the bid for the transaction submitted by First Wyoming Bank—Saratoga, Saratoga, Wyoming, a newly-chartered State member bank; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Mr. Michael Patriarca, acting in the place and stead of Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters

in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was recessed at 6:38 p.m., and at 7:35 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The First National Bank of St. Joseph, St. Joseph, Missouri, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Friday, October 11, 1985; (2) accepted the bid for the transaction submitted by Commerce Bank of St. Joseph, National Association, St. Joseph, Missiouri; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In reconvening the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael Patriarca, acting in the place and stead of Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the pubilc interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552(b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: October 16, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-25054 Filed 10-17-85; 9:17 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, October 15, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Espanola de Finanzas Trust Company, Inc., an operating noninsured trust company located at 15 Quisqueya Street, San Juan (Hato Rey), Puerto Rico, for Federal deposit insurance.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: October 16, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-25055 Filed 10-17-85; 9:17 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Cancellation of Agency Meetings

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the previously announced meetings of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held on Monday, October 21, 1985 at 2:00 p.m. (open session) and 2:30 p.m. (closed session) have been cancelled. The matters scheduled to be considered by the Board of Directors at those meetings will be rescheduled at a future date.

No earlier notice of these cancellations was practicable.

Dated: October 15, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-25056 Filed 10-17-85; 9:17 am]

BILLING CODE 6714-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION

October 16, 1985.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 10:00 a.m., October 23, 1985.

PLACE: 825 North Capitol Street NE., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda, 822nd Meeting—October 23, 1985, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 9025-001, Weyerhaeuser Company

CAP-2.
Project No. 5250-004, West Slope Power Company

CAP-3.
Project No. 5090-004, City of Idaho Falls, Idaho

CAP-4.
Project No. 7041-003, Potter Township, Pennsylvania

CAP-5.
Project No. 184-011, Pacific Gas and Electric Company

CAP-6.
Project No. 9248-001, Town of Telluride, Colorado

CAP-7.
Project No. 5861-003, West Slope Power Company

CAP-8.
Project No. 7848-002, Michiana Hydro-Electric Power Corporation

CAP-9.
Project No. 8485-001, Cosumnes River Water and Power authority
Project No. 8722-001, Mr. David O. Harde

CAP-10.
Project No. 8835-001, Dewey B. Smith

CAP-11.
Project Nos. 7804-002 and 7805-002, Gerald and Glenda OHS

CAP-12.
Project No. 6366-001, Hudson River-Black River Regulating District

CAP-13.
Project Nos. 2840-011, 2349-009 and 3295-004, East Columbia Basin Irrigation District, Quincy-Columbia Irrigation District and South Columbia Basin Irrigation District

CAP-14.
(A) Project No. 8194-007, James W. Caples
Project No. 6702-005, Superior Oil Company

(B) Project Nos. 6810-006 and 6811-006, Douglas Mendenhall
CAP-15.
Project No. 2890-011, Kings River Conservation District
CAP-16.
Omitted
CAP-17.
Project No. 3856-003, Reed Hydro-Electric Corporation
CAP-18.
Project No. 3273-003, Chittenden Falls Hydro Power, Inc.
CAP-19.
Project No. 7049-003, Foundry Associates
CAP-20.
Docket No. EL85-33-000, Big Bear Area Regional Wastewater Agency
CAP-21.
Docket No. QF84-504-000, Luz Solar Partners II, Ltd.
CAP-22.
Docket No. ER85-728-000, Arizona Public Service Company
CAP-23.
Docket No. ER85-747-000, Pennsylvania-New Jersey-Maryland Interconnection and New York Power Pool
Docket No. ER85-748-000, Pennsylvania-New Jersey-Maryland Interconnection
CAP-24.
Docket No. ER85-738-000, Pacific Gas and Electric Company
CAP-25.
Docket No. ER85-724-000, New England Power Company
CAP-26.
Docket No. ER85-725-000, Northern States Power Company—Wisconsin
CAP-27.
Docket Nos. ER85-720-000, ER85-689-000 and ER85-707-000, Connecticut Light & Power Company
CAP-28.
Docket No. ER80-259-009, Kansas Gas and Electric Company
CAP-29.
Docket Nos. ER85-515-004 and 005, Florida Power & Light Company
CAP-30.
Docket Nos. ER85-375-000, 002, 003 and ER85-622-001, Centel Corporation—Kansas

Consent Miscellaneous Agenda

CAM-1.
Docket Nos. RM79-76-214, RM79-76-215, RM79-76-228 and RM79-76-229 (Wyoming-14 & 15), High-Cost Gas Produced From Tight Formations
CAM-2.
Docket No. GP85-41-001, J.R. Simplot Company and Sacramento Bank for Cooperatives
CAM-3.
Docket No. GP85-49-000, Ross Production Company
CAM-4.
Docket No. RO83-13-000, J.R. Cone

Consent Gas Agenda

CAG-1.
Docket No. RP72-132-002, Natural Gas Pipeline Company of America
CAG-2.
Docket Nos. RP85-175-001 and 002, Transwestern Pipeline Company
CAG-3.
Docket No. RP85-178-004, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG-4.
Docket Nos. TA85-3-28-000 and 003 (PGA85-3, IPR85-2), Panhandle Eastern Pipe Line Company
CAG-5.
Docket No. TA85-3-22-002, Consolidated Gas Transmission Corporation
CAG-6.
Docket Nos. TA86-1-5-000 and 001, Midwestern Gas Transmission Company
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Docket No. TA86-1-33-003, El Paso Natural Gas Company
CAG-8.
Docket Nos. TA86-1-45-000 and 001, Inter City Minnesota Pipelines Ltd. Inc.
CAG-9.
Docket Nos. TA86-1-46-000 and 001 (PGA86-1), Kentucky West Virginia Gas Company
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Docket Nos. TA86-1-47-000 and 001, MIGC, Inc.
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Docket Nos. TA86-1-49-000 and 001 (PGA86-1), Williston Basin Interstate Pipeline Company
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Docket Nos. TA86-1-50-000 and 001, Valley Gas Transmission Inc.
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Docket Nos. RP79-10-019, RP80-134-019 and RP83-34-004, Great Lakes Gas Transmission Company
CAG-14.
Docket No. RP85-206-000, Northern Natural Gas Company, Division of Internorth, Inc.
CAG-15.
Docket No. RP85-209-000, United Gas Pipe Line Company
CAG-16.
Docket No. RP85-210-000, Ringwood Gathering Company
CAG-17.
Docket No. CP82-119-016, Algonquin Gas Transmission Company
CAG-18.
Docket Nos. CP80-274-011 and RP85-208-000, Mountain Fuel Resources, Inc.
CAG-19.
Docket No. RP86-2-000, Northwest Alaskan Pipeline Company
CAG-20.
Docket No. RP85-205-000, Northwest Pipeline Corporation
CAG-21.
Docket No. RP85-27-001, Northern Border Pipeline Company
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Docket No. TA86-1-35-000, West Texas Gas Inc.
CAG-23.
Docket Nos. TA82-2-9-000 and 002, Tennessee Gas Pipeline Company, a division of Tenneco Inc.
Docket Nos. TA82-2-17-000, 004 and TA83-1-17-003, Texas Eastern Transmission Corporation
Docket Nos. TA82-2-29-001 and TA83-2-29-000, Transcontinental Gas Pipe Line Corporation
Docket Nos. TA82-2-21-000 and TA83-1-21-002, Columbia Gas Transmission Corporation
CAG-24.
Docket Nos. RP85-198-000 and GP85-35-000, United Gas Pipe Line Company
CAG-25.
Docket No. RP85-197-000, Sea Robin Pipeline Company
CAG-26.
Docket Nos. TA85-2-34-000 and 001 (PGA85-2), Florida Gas Transmission Company
CAG-27.
Docket Nos. RP82-8-000, TA84-1-53-000, TA83-1-53-000, TA82-1-53-000 and TA81-1-53-000, KN Energy, Inc.
CAG-28.
Docket No. TA85-2-31-000, Arkla Energy Resources, a division of Arkla, Inc.
CAG-29.
Docket Nos. RP85-13-000, RP85-65-000 and TA85-2-37-002 (not consolidated), Northwest Pipeline Corporation
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Docket No. RP80-72-013, Algonquin Gas Transmission Company
CAG-31.
Docket Nos. RP83-70-001 and RP85-38-001, U-T Offshore System
CAG-32.
Docket No. RP85-37-002, High Island Offshore System
CAG-33.
Docket No. RP85-150-001, Natural Gas Pipeline Company of America
CAG-34.
Docket No. ST84-725-001, Mississippi River Transmission Corporation
CAG-35.
Docket Nos. RI74-188-067 and RI75-21-062, Independent Oil & Gas Association of West Virginia
CAG-36.
Docket Nos. RI74-188-066 and RI75-21-061, Independent Oil & Gas Association of West Virginia
CAG-37.
Docket No. CI85-502-000, Chevron U.S.A. Inc.
Docket No. CI85-508-000, Houston Oil & Minerals Corporation
Docket No. CP85-616-000, Gas Gathering Corporation
CAG-38.
Docket No. CI85-498-000, Tumbleweed Production Company
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Docket Nos. CI80-305-000, CP85-821-000 and CP85-822-000, Transcontinental Gas Pipe Line Corporation and United Gas Pipe Line Company
CAG-40.
Docket No. CP84-183-002, Transcontinental Gas Pipe Line Corporation
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Docket No. CP85-798-000, Great Lakes Gas Transmission Company
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Docket No. CP85-695-000, Colorado Interstate Gas Company
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CAG-44.

Docket No. CP83-381-004, Transcontinental Gas Pipe Line Corporation, Texas Eastern Transmission Corporation, Natural Gas Pipeline Company of America, ANR Pipeline Company and Gasdel Pipeline System Incorporated

CAG-45.

Docket Nos. CP82-288-002 and 003, ANR Pipeline Company

Docket Nos. CP84-15-000 and 001, Michigan Consolidated Gas Company

CAG-46.

Docket No. CP85-587-000, Northern Natural Gas Company, Division of Internorth, Inc.

CAG-47.

Docket No. CP85-737-000, Texas Gas Transmission Corporation

I. Licensed Project Matters

P-1.

Project No. 9134-001, D&D Stauffer, Inc.

P-2.

Project No. 2251-000, New England Fish Company

P-3.

Project No. 662-000, Pinedale Power and Light Company

II. Electric Rate Matters

ER-1.

Docket No. EL85-6-000, Public Utilities Commission of the State of California, et al. v. United States Department of Energy—Bonneville Power Administration

Miscellaneous Agenda

M-1.

Reserved

M-2.

Docket No. RM78-15-000, Rules Relating to Investigations

I. Pipeline Rate Matters

RP-1.

Docket Nos. TA86-1-29-000 and 001 (PGA86-1), Transcontinental Gas Pipe Line Corporation

RP-2.

Docket No. TA86-1-48-000 (PGA86-1, IPR86-1), ANR Pipeline Company

RP-3.

Docket Nos. RP83-93-009, 010 (Phase I), RP83-51-004, 005, TA83-1-30-006, 007, TA83-2-30-000, TA84-1-30-001, 002, TA84-2-30-007 and 008, Trunkline Gas Company

RP-4.

Docket No. TA83-2-30-000, Trunkline Gas Company

RP-5.

Docket Nos. TA85-1-33-004, TA84-2-33-009 and TA84-1-33-007, El Paso Natural Gas Company

RP-6.

Docket Nos. OR78-1-025, 026, 027, 036, 037 and 038, Trans Alaska Pipeline System

II. Producer Matters

CI-1.

Reserved

III. Pipeline Certificate Matters

CP-1.

Docket Nos. CP84-577-000, 003, 008, 009, 010, 011, 012, 013, 014 and 015, Trunkline Gas Company

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-25116 Filed 10-17-85; 2:15 pm]

BILLING CODE 6717-01-M

8

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Friday, October 25, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C. Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed policy statements regarding confirmation and relocation expenses of Federal Reserve Board nominees. [This item originally announced for a closed meeting on October 23, 1985.]

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 17, 1985.

James McAfee

Associate Secretary of the Board.

[FR Doc. 85-25155 Filed 10-17-85; 3:56 pm

BILLING CODE 6210-01-M

9

INTERNATIONAL TRADE COMMISSION

[USITC SE-85-43]

TIME AND DATE: 2:00 p.m., Monday, October 21, 1985.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints:
   a. Certain unitary electromagnetic flowmeters with sealed coils [Docket No. 1243].
5. Investigations No. 731-TA-208 [Final] (Barbed wire and barbless wire strand from Agentina)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-25114 Filed 10-17-85; 2:15 pm]

BILLING CODE 7020-02-M

10

INTERNATIONAL TRADE COMMISSION

[USITC SE-85-44]

TIME AND DATE: 2:00 p.m., Friday, October 25, 1985.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation No. 731-TA-286 [Preliminary] (Anhydrous sodium metasilicate from the United Kingdom)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-25115 Filed 10-17-85; 2:15 pm]

BILLING CODE 7020-02-M

Federal Register

Monday
October 21, 1985

Part II

Department of Transportation

Federal Aviation Administration

Advisory Circular for Airplane Simulator and Visual System Evaluation; Request for Comments

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular for Airplane Simulator and Visual System Evaluation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments of proposed advisory circular (AC 120–40A, Airplane simulator and Visual System Evaluation and Approval).

SUMMARY: The FAA proposes to amend Advisory Circular 120–40, "Airplane Simulator and Visual System Evaluation." AC 120–40 establishes FAA standards for the evaluation and approval of airplane simulators operated under Title 14 CFR and includes "Advanced Simulators" as described in FAR 121, Appendix H. If adopted, AC 120–40A would rescind and replace AS 120–40.

DATE: Comments must be received on or before December 20, 1985.

ADDRESSES: Submit your comments in duplicate to: Federal Aviation Administration, Flight Standards Division, ASO–205, P.O. Box 20636, Atlanta, Georgia 30320; or deliver to: Room 256, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Mr. Edward M. Boothe, Flight Standards Division (ASO–205), Southern Region, Federal Aviation Administration, 3400 Norman Berry Drive, East Point, Georgia; telephone (404) 763–7773. A copy of this proposed AC may be obtained by writing to: Federal Aviation Administration, Flight Standard Division, ASO–205, P.O. Box 20636, Atlanta, Georgia 30320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed advisory circular by submitting written data, views, or arguments as they may desire. Communications should be identified as pertaining to AC 120–40A and be submitted in duplicate to the address listed above. Commentors wishing the FAA to acknowledge receipt of their comments on this proposal must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to ASO–205—Advisory Circular 120–40A." The postcard will be date/time stamped and returned to the commentor. All communication received before the specified closing date for comments will be considered before taking action on the proposed advisory circular. All comments submitted will be available for examination at the above address before and after the closing date for comments.

The Proposal

The FAA is considering publication of a revision to Advisory Circular 120–40, "Airplane Simulator and Visual System Evaluation." The proposed changes include the following:

1. Restructuring of the appendices using a "building block" method for clarification on the standards of a specific level simulator and necessary testing.
2. New testing criteria to determine the accuracy of the visual scene presented in a simulator at precision approach minimums.
3. Clarification of visual system requirements.
4. Clarification of aircraft and simulator data requirements.
5. Establishing a standard for motion system latency for visual a simulator of +300 milliseconds.

Issued in East Point, Georgia, on October 7, 1985.

William M. Berry, Jr.,

Manager, Flight Standards Division, FAA Southern Region.

[FR Doc. 85–24963 Filed 10–18–85; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Monday
October 21, 1985

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

List of Approved Livestock Markets; Notice

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 85-103]

List of Approved Livestock Markets

The regulations in 9 CFR Part 76 contain restrictions on the interstate movement of swine and swine products to prevent the spread of hog cholera and other communicable swine diseases. This document lists livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations.

The following livestock markets preceded by an asterisk are specifically approved to handle any class of swine, and those livestock markets *not* preceded by an asterisk are specifically approved to handle slaughter swine only.

Alabama

*Alabama Livestock Auction, Uniontown
*Beard's Livestock Market, Scottsboro
Boe Farms, Elba
Boe Farms, Luverne
Capital Stockyard, Montgomery
Casey's Selma Stockyard, Selma
*Central Alabama Feeder Pig Association, Clanton
Chatom Livestock Auction, Chatom
Cherokee County Stockyard, Centre
Childress Farm Livestock, Albertville
*Conecuh Stockyard, Evergreen
*Cullman Feeder Pig Association, Cullman
*Cullman Stockyard, Cullman
*Dothan Livestock Auction Inc., Dothan
*Escambia County Co-op, Brewton
*Farmers Co-op Market, Frisco City
*Farmers Cooperative Market, Inc., Opp
*Farmer's Livestock Co-op, Elba
Fayette Stockyards, Inc., Fayette
Fisk and Allison Stockyard, Scottsboro
Florence Trading Post, Florence
*Geneva Stock Yards, Inc., Geneva
Kennamer Livestock Inc., Guntersville
Limestone County Stockyard, Athens
*Limestone County Feeder Pig Association, Inc., Athens
*Louisville Livestock Company, Louisville
W.L. Mosley Livestock, Headland
*W.L. Mosley d.b.a., Henry County Livestock, Abbeville
Moulton Stockyard, Moulton
*Northeast Alabama Feeder Pig Association, Section
*Northwest Alabama Feeder Pig Association Inc., Russellville
*Northwest Alabama Livestock Association, Russellville
Ranburne Livestock Sales, Inc., Ranburne
Randy's Livestock, Inc., Geraldine
Randy's Livestock, Inc., Section
*Robertsdale Livestock Auction, Inc., Robertsdale
*Sand Mountain Feeder Pig Association, Guntersville
*Stokes and Brogden Stock Yard, Andalusia
*Tennessee Valley Feeder Pig Association, Huntsville
*Upper Coastal Feeder Pig Association, Inc., Fayette
David West Livestock Company, Cottonwood
West Alabama Stockyards, Eutaw
*Wiregrass Feeder Pig Association, Hartford

Arkansas

*Ash Flat Livestock Auction, Ash Flat
Atkins Livestock Auction, Atkins
*Batesville Livestock Auction, Inc., Batesville
*Beebe Auction, Inc., Beebe
*Bentonville Livestock Auction, Inc., Bentonville
*Carroll County Livestock Auction, Berryville
Central Livestock Auction, Inc., Morrilton
*Clark County Livestock Auction, Arkadelphia
Cleburne County Livestock Auction, Heber
*Craighead County Auction, Inc., Jonesboro
Drew County Auction, Monticello
Eudora Livestock Commission, Eudora
*Farmers and Ranchers Livestock Auction, Inc., Batesville
*Farmers and Ranchers Livestock Auction, Mountain View
*Bob Gordon Livestock Auction, Mena
Glover Livestock Commission Company, Pine Bluff
*Harrison Stockyards Auction, Inc., Harrison
*Hill and Nuel Livestock Auction, Batesville
Hope Livestock Auction, Hope
*Lafayette County Livestock Company, Lewisville
*Lewis Livestock Co., Inc., Conway
*Livestock Producers Market, Eudora
*Magnolia Livestock Auction, Magnolia
*Maynard Sales Barn, Maynard
*MFA Livestock Association, Imboden
*Mountain Home Livestock Auction, Mountain Home
*North Arkansas Livestock Auction, Green Forest
*Oak Lawn Farms, Pine Bluff
Ola Livestock Market, Ola
*Paragould Livestock Auction, Paragould
*Pacahontas Livestock Auction, Pacahontas
*Rector Auction Sales Barn, Inc., Rector
*Richardson Livestock Commission Company, Little Rock
Salem Livestock Auction, Salem
*Saline-Ouachita Valley Livestock Commission Co., Warren
*Scott County Livestock Auction, Waldron
*Searcy County Livestock Auction, Marshall
Siloam Springs Sale Barn, Siloam Springs
Van Buren County Auction, Clinton
*White County Livestock Auction, Searcy
White Livestock Auction, Russellville

California

*Dixon Livestock Auction, Dixon
*Stockton Livestock Market, Inc., Stockton

Colorado

*Alamosa Auction, Alamosa
*Calhan Auction Market, Inc., Calhan
*Centennial Livestock Auction Company, Fort Collins
Circe Livestock, Delta
Circe Livestock Brokers, Wray
Clougherty Packing Company, Greeley
*Colorado Livestock Market, Inc., Brush
*Cortez Livestock Auction, Inc., Cortez
*Delta Sales Yard, Delta
*Demmler Livestock Commission Company, Pueblo
East Central Colorado Pork Producers Association, Burlington
Fowler Livestock Commission, Fowler
Garfield Livestock, Silt
High Country Pork Producers, Grand Junction
*Monte Vista Livestock Auction Company, Monte Vista
*National Western Livestock Center, Denver
Otis Collective Association, Otis
*Producers Livestock Marketing Assn. of Greeley, Greeley
*Ranchers and Farmers Livestock Auction, Burlington
*Ranchland Livestock Commission Company, Wray
*Sterling Livestock Commission Company, Sterling
*Stratton Livestock Marketing Center, Stratton
*Tri-County Livestock Commission Company, Broomfield
*Valley Livestock Auction Company, Fruita
Western Slope Livestock Auction, Montrose
*Winter Livestock Commission Company, La Junta

Delaware

*Carroll's Sales Company, Felton
Charles F. Poore Livestock Market, Smyrna
Viallari Buying Station, Smyrna

Florida

*Big Bend Livestock Market, Quincy
*Chipley Livestock Market, Chipley
*Columbia Livestock Market, Lake City
*Gainesville Livestock Market, Inc., Gainesville
*Jacksonville Livestock Auction Company, Whitehouse
*Jay Livestock Auction Market, Jay
*Madison Stockyard, Madison
*Monticello Livestock Market, Inc., Monticello
*North Florida Farmers Co-op, Inc., Lake City
*Ocala Livestock Market, Ocala
*Tindel Livestock Market, Graceville
*West Florida Livestock Market, Marianna

Georgia

Bainbridge Auction Market, Bainbridge
*Barrett Feeder Pigs, Dublin
Charles R. Barrineau, Douglas
*Baxley Pig Sale
*Blackshear Pig Sales, Inc.
*Bleckley County Feeder Pig Sale, Cochran
Bulloch County NFO Swine Buying Station, Statesboro
*Bulloch Stockyards, Statesboro
David Burson Livestock Market (Assembly Point), Carrollton
C and S Livestock Company, Sandersville
Carroll County Livestock Sale Barn, Carrolltown
Canoochee Hog Market, Hagan
Citizens Stockyard, Arlington
Coosa Valley Livestock Company, Rome
Cordele Livestock Commission Company, Cordele
*County Stock Barn, Sandersville
*CSRA Feeder Pig Association, Warrenton
Dawson Livestock Company, Dawson
*Dodge County Stock Barn, Eastman
*Dublin Livestock and Commission Company, Dublin

Eddinger Livestock, Lyons
Farmers Stockyard, Sylvania
Fitzgerald Farmers Auction, Inc., Fitzgerald
*Four County Farm Bureau Market, Assoc., Inc., Twin City
Franklin County Livestock Market, Inc., Carnesville
Franklin County Livestock Swine Buying Station, Carnesville
Georgia Farm Products Sales Corp., Thomaston
Georgia Farmers Livestock, Inc., Cumming
*Grady County Swine Producers Association, Cairo
Hagan Livestock Market, Inc., Hagan
H. J. Hall and Company Hog Buying Station, Sparks
B. H. Harrison Livestock Company, Bainbridge
Heinold Hog Markets, Inc., Cairo
Heinold Hog Markets, Eastman
Heinold Hog Markets, Glennville
Heinold Hog Markets, Mt. Vernon
Heinold Hog Markets, Litton
J. W. Hooks, Jr., Buying Station, Swainsboro
Irwin County Livestock Company, Ocilla
Jepeway-Craig Commission Company, Dublin
LaGrange Stockyard, LaGrange
Livestock Marketers, Inc., Douglas
Metter Livestock Market, Metter
Miles Stockyard, Baxley
Miller Livestock Company, Colquitt
W. L. Moseley Livestock Company, Blakely
John Mosley Livestock and Holman Auction Co., Blakely
*Moultrie Livestock Company, Moultrie
*Northeast Georgia Livestock Barn, Gainesville
Northwest Georgia Park, Inc., Adairsville
North Georgia Livestock Auction, Inc., Athens
Peoples Livestock Market, Inc., Cartersville
Peoples Stockyard, Cuthbert
Pierce County Stockyard, Blackshear
Pulaska Stockyard, Hawkinsville
Seminole Livestock, Inc., Donalsonville
Seaboard Stockyard, Colquitt
Smith Brothers Stockyard, Bartow
Soperton Stockyard, Soperton
South Central Livestock, Inc., Fitzgerald
*Southeast Georgia Stockyard, Inc., Statesboro
*Sumter Livestock Association, Americus
*Sutton Livestock Company, Sylvester
Swainsboro Stockyards, Inc., Swainsboro
*Telfair-Wheeler Livestock Market, McRae
Thomas County Stockyard, Thomasville
Tifton Stockyards, Tifton
Tison Hog Market Association, Glennville
Toombs County Stockyard, Lyons
*Tri-County Feeder Pig Sale, Broxton
Tri-County Livestock Company, Social Circle
Tri-County N.F.O. Collection Point, Inc., Blackshear
*Turner County Stockyard, Ashburn
Valdosta Livestock Co., Inc., Valdosta
Vidalia Livestock Auction, Inc., Vidalia
*Wayne County Stockyard, Jesup
Wheeler Brothers Livestock Market, Inc., Eastonolle
White Livestock Company, Quitman
Wilkes County Stockyard, Washington

Idaho

*Blackfoot Livestock Commission Company, Blackfoot
*Bonners Ferry Livestock, Inc., Bonners Ferry
Burley Livestock Commission Yards, Inc., Burely
*Cache Valley Livestock Auction, Preston
*Coeur d'Alene Livestock, Inc., Coeur d'Alene
Cottonwood Sales Yard, Cottonwood
*Idaho Livestock Auction, Inc., Idaho Falls
*Lewiston Livestock Market, Inc., Lewiston
*Jerome Producer's Livestock Marketing Assn., Jerome
*Nampa Livestock Markets, Inc., Nampa
*Rexburg Livestock Auction, Inc., Rexburg
Shoshone Sale Yard, Shoshone
*Treasure Valley Livestock Auction, Inc., Caldwell
*Twin Falls Livestock Commission Company, Twin Falls
*Valley Livestock Commission Company, Rupert
*Weiser Livestock Commission Company, Weiser

Illinois

Albion Livestock, Albion
*Barnard Livestock Auction, Wayne City
*Bloomington Livestock Commission Company, Bloomington
*Breed's Livestock Sales, Elizabeth
Brutlag Livestock Company, Potomac
*Carthage Livestock Auction, Carthage
*Cherry, Nellis (Bros.), Shannon
Chicago Stockyards—Atkinson Market, Inc., Atkinson
Cudahy, Patrick, Orangeville
*Danville Livestock Commission Company, Danville
*Decker's Livestock, Incorporated, Milford
*DeWane's Livestock Exchange, Belvidere
Edgar County Marketing Association, Paris
Emge Stock Yards, Palestine
Farmers Choice Marketing Center, Winslow
Farmers Hog Market of Ursa, Ursa
*Galesburg Livestock Sale, Galesburg
*Greenville Livestock Auction Co., Greenville
Heinold Hog Market #64, Atkinson
Heinold Hog Market, Brookport
Heinold Hog Market #9, Buffalo Prairie
Heinold Hog Market #53, Cambridge
Heinold Hog Market #105, Dixon
Heinold Hog Market, Elvaston
Heinold Hog Market, Girard
Heinold Hog Market, Leland
Heinold Hog Market, Marengo
Hesselbacher, Bros. Scale Mound
*Hills Livestock, Sheridan
*Illinois Auction Commission Co., Paris
*Interstate Producers Livestock Association, Shelbyville
*Interstate Producers Livestock Association, Apple River
*Interstate Producers Livestock Association, Dongola
Interstate Producers Livestock Association, Elvaston
Interstate Producers Livestock Association, Erie
Interstate Producers Livestock Association, Fairfield
*Interstate Producers Livestock Association, Fairfield
*Interstate Producers Livestock Association, Fieldon
*Interstate Producers Livestock Association, Golconda
*Interstate Producers Livestock Association, Harrisburg
*Interstate Producers Livestock Association, Pinckneyville
Interstate Producers Livestock Association, Quincy
*Interstate Producers Livestock Association, Salem
*Jennings Sales Company, Macomb
Joliet Livestock Marketing Center, Inc., Joliet
*Kewanee Sale Barn, Kewanee
*Kuntz, Clyde, Gridley
Oscar Mayer and Company #662, Carthage
Oscar Mayer and Company, Davis
Oscar Mayer and Company, German Valley
Oscar Mayer and Company, Pittsfield
Oscar Mayer and Company, Warren
Mendon Order Buyers, Mendon
*Mercer County Livestock Company, Viola
*Monmouth Livestock Sales Company, Monmouth
*Olney Livestock Commission Company, Olney
Paris Union Stockyards, Paris
Peoria Union Stockyards Company, Peoria
*Peoria Union Stockyards Co. Feeder Pig Auction, Peoria
*Rock Island Auction Sales, Inc., Rock Island
*St. Louis National Stockyards Company, National Stockyards
*Harry Schrader Consignment, Dakota
Smith Stockyards, Marshall
*Southeastern Livestock Association, Inc., Albion
Stanton Stock Yard, Lena
George Thompson and Son, Morrison
*Walnut Auction Company, Walnut
Winslow Stockyard, Winslow

Indiana

Attica Stockyards, Attica
*Boone County Sale Barn, Lebanon
*Boswell Livestock Commission, Bozwell
*Raymond Boyce Livestock Company, Monon
Mike Brady Stockyards, Lagrange
Mike Brady Stockyards, Waterloo
Camden Hog Market, Camden
*Don Clark Feeder Pig, Brook
*Robert Elliott, Westport
Emge Packing Company, Fairmont
Emge Packing Company, Anderson
Emge Packing Company, Fort Branch
Emge Packing Company, Montpelier
*Evansville Livestock Market, Inc., Evansville
*Fountain County Livestock Commission Company, Veedersburg
*Geneva Berne Livestock Sale, Berne
*Goshen Commission Sale, Goshen
Greencastle Livestock Center, Greencastle
*H and W Pig Sales, Inc., Decatur
Heinold Hog Market, Bluffton
Heinold Hog Market, Burlington
Heinold Hog Market, Cambridge City
Heinold Hog Market, Goodland
Heinold Hog Market, Inc., Jasper
Heinold Hog Market, Corunna
Heinold Hog Market, Inc., Kouts
Heinold Hog Market, Liberty
Heinold Market, North Manchester
Heinold Hog Market, Portland
Heinold Hog Market, Rensselaer
Heinold Hog Market, Rushville
Heinold Hog Market, Tipton
Heinold Hog Market, Wheatland
*Henry County Livestock Auction, New Castle
*Hilltop Auction Sale, Hanover

Hoosier Stockyards, Inc., Frankfort
Hoosier Stockyards, Inc., Knightstown
Hoosier Stockyards, Inc., Lebanon
Hoosier Stockyards, Inc., Roann
Indianapolis Stockyards Corporation, Indianapolis
*Johnson County Sale Pavilion, Franklin
*Knightstown Sale Barn, Knightstown
*Gordon Jones, Ridgeville
Logansport Livestock Yards, Inc., Logansport
*Lowell Livestock Auction, Lowell
*Loy's Sale Barn, Portland
M and R Livestock Company, Loogootee
*Bill Manns, Rensselaer
*Mid-States Feeder Pig Company, Inc., Flora
*Jack Milhollin, Parker
*Montgomery County Sale Pavilion, Crawfordsville
Morrison Livestock, Culver
Morrison's Mentone Stockyards, Mentone
*Morton Sale Barn, Morton
Ohio Valley Livestock Corporation, Williamsburg
*Parke County Sales Pavilion, Rockville
Pavy Stockyard, Greensburg
Pavy Stockyards, Milroy
*Pinkerton Farm Commodities, Warren
*Producers Livestock Association, Bath
Producers Livestock Association, Winchester
*Producers Livestock Association, Vincennes
*Producers Livestock Association of Ohio, Fort Wayne
Producers Marketing Association, Amboy
*Producers Marketing Association, Boonville
*Producers Marketing Association, Inc., Centerville
Producers Marketing Association Stockyards, Centerville
*Producers Marketing Association, Clayton
*Producers Marketing Association, Columbia City
Producers Marketing Association, Decatur
Producers Marketing Association, Frankfort
Producers Marketing Association, Greensburg
*Producers Market Association, Mentone
*Producers Marketing Association, Inc., Montgomery
*Producers Marketing Association, Feeder Pig, Montpelier
*Producers Marketing Association, North Vernon
Producers Marketing Association, Rensselaer
Producers Marketing Association, Rockville
*Producers Marketing Association, Salem
*Producers Marketing Association, Seymour
*Producers Marketing Association, Terre Haute
Producers Marketing Association, Terre Haute
*Producers Marketing Association, West Lafayette
Producers Marketing Association, West Lafayette
Producers Marketing Association, Inc., Worthington
*Reynolds Sales Barn, Reynolds
*Rochester Sales Barn, Rochester
*Royal Center Sale Barn, Royal Center
Rushville Community Sale, Rushville
*Russellville Feeder Pig Company, Russellville
S and W Daily Hog Market, Wakarusa
*Shipshewana Auction, Inc., Shipshewana
*Southeastern Indiana Feeder Pig Auction Assoc., Versailles
*Springville Feeder Auction Association, Inc., Springville
P. B. Stewart Company, Berne
P. B. Stewart Company, Decatur
P. B. Stewart, Inc., Ft. Wayne
P. B. Stewart Company, Fulton
P. B. Stewart Company, Plymouth
P. B. Stewart Company, Plymouth
P. B. Stewart Company, South Whitley
*Stoney Pike Sale Barn, Logansport
Sullivan County Livestock Market, Sullivan
*Topeka Livestock Auction Company, Topeka
*White River Valley Feeder Auction Association, Worthington
*White's Livestock Auction, Brookville
Wilson Food Company, Wolcott
Winner Order Buyers, Converse
*Ralph Yarling, Elwood
*Yeager and Sullivan, Inc., Camden
Zechiel Stockyards, Knox

Iowa

*Ackley Sales Pavilion, Inc., Ackley
*Adel Sales Pavilion, Adel
*Albia Sales Company, Inc., Albia
*Anamosa Livestock Auction, Anamosa
*Aplington Livestock Auction, Aplington
*The Auction Farm, Sheldon
*Bedford Sale Company, Bedford
*Bingley and Dykstra Sales Company, Knoxville
*Bleil and Chapman Livestock Auction, Kingsley
*Bloomfield Livestock Market, Inc., Bloomfield
*Centerville Sales Company, Centerville
*Central Iowa Stockyards, Webster City
*Chariton Livestock Exchange, Chariton
*Clarinda Auction Company, Clarinda
*Colfax Livestock Sales Company, Colfax
*Cresco Livestock Market, Cresco
*Creston Livestock Auction, Creston
*Decatur County Livestock Auction, Inc., Leon
Davis City Stockyards, Davis City
*Decorah Sales Commission, Decorah
*DeVries Auction, Buffalo Center
*Dunlap Livestock Auction, Dunlap
*Dyersville Feeder Pig Sales, Dyersville
*Eastern Iowa Livestock Commission, Mechanicsville
*Edgewood Livestock Auction, Inc., Edgewood
*Elkader Sale Barn, Elkader
Farmland Foods, Inc., Clarinda
*Forest City Cow Palace, Forest City
*Grassland Company, Odebolt
*Grinnell Livestock Exchange, Grinnell
Gunsallis Livestock, Osage
*Harlan G. Habben Feeder Pig Sales, Pocahontas
*Heckathorn Livestock Auction Company, Storm Lake
Heinold Hog Market, Birmingham
Heinold Hog Markets, Bloomfield
Heinold Hog Market, Donnellson
Heinold Hog Market, Inc., Mt. Ayr
Heinold Hog Market, Seymour
*Hilltop Feeder Pig Company, Aplington
Hormel Hog Market, Centerville
*Huneston Livestock Auction, Huneston
*Independence Sales Company, Inc., Independence
Interstate Producers, Waukon
*Kalona Sale Barn, Inc., Kalona
*Keoco Auction Company, Sigourney
*Keith E. Myers, Grundy Center
*Keosaugua Sale Company, Inc., Keosaugua
*Lamoni Livestock Sales Co., Inc., Lamoni
*Lenox Livestock Auction, Lenox
Lynch Livestock, Inc., Waucoma
*Manchester Livestock Auction, Inc., Manchester
*Mapleton Livestock Auction Company, Mapleton
*Maquoketa Sales Company, Maquoketa
*Montezuma Sale Company, Inc., Montezuma
*Monticello Sale Barn, Monticello
*Moorhead Auction Company, Moorhead
*Mt. Ayr Livestock Market, Mt. Ayr
Mullenbach Livestock, Stacyville
New Albin Stockyard, New Albin
Noe Livestock, Lime Springs
*Norb Roecker Feeder Pigs, Denison
*North Iowa Livestock Exchange, Garner
*Northside Sales Company, Sibley
*Oskaloosa Livestock Auction, Inc., Oskaloosa
*Perry Sales Pavilion, Perry
Petefish Scale Yard, Bloomfield
*Porth and Baxter, DeWitt
*Porth and Baxter, State Center
*Producers Livestock Marketing Agency Feeder Pig Division, Creston
*R and M Feeder Pig Company, Conrad
*Riceville Sales Pavilion, Riceville
Schmidt Livestock, Inc., Garner
*Sheldon Livestock Sales Co., Inc., Sheldon
*Shenandoah Livestock Auction, Inc., Shenandoah
*Sheldon Approved Hog Market, Sheldon
*Sioux City Stockyards, Sioux City
*Spencer Livestock Sales, Spencer
*Spirit Lake State-Federal Approved Feeder Pig Market, Spirit Lake
*Story City Livestock Auction Company, Story City
Swift Independent Hog Buying Station, Bedford
Swift Independent Packing Company Hog Buying Station, Mt. Ayr
*Tama Livestock Auction Company, Tama
Carl S. Thurn Stockyard, Edgewood
*Tri-State Livestock, Ltd., Sioux Center
Troutman Hog Market, Bonaparte
Walker Brothers, Washington
*Walker Sales Barn, Walker
*Wapello Livestock Sales, Inc., Waverly
*Waverly Sales Company, Wapello
*Wayland Livestock Auction Market, Wayland
Weerheim Livestock, Rock Rapids
Wever Hog Market, Wever
Wiechman Pig Company, Inc., Des Moines
Wilson and Company, Inc., Shenandoah
Vande Vorde Livestock, Aurora

Kansas

*Atchison County Auction Company, Atchison
*Atwood Sale Barn, Inc., Atwood
*Caldwell Community Sale, Caldwell
*Circle "L" Livestock Sale, Liberal
*Clay Center Livestock Co., Inc., Clay Center
Clearwater Livestock, Viola
Clougherty Packing Company, Marysville
*Colby Livestock Auction, Colby
*Coffeyville Stockyards, Inc., Coffeyville
*Coffeyville Livestock Sales Co., Inc., Coffeyville

*Coldwater Livestock Sale Co., Inc., Coldwater
*El Dorado Livestock Auction, Inc., El Dorado
Eureka Livestock, Eureka
Farmland Foods, Seneca
G and S Livestock, Kingman
*Hansen Livestock Auction, Concordia
*Hays Livestock Market Center, Inc., Hays
*Hiawatha Auction Company, Hiawatha
Hormel Hog Buying Station, Washington
*Hoxie Livestock Sale, Hoxie
Hutchinson Livestock Commission Co., Inc., Hutchinson
*J. J. Livestock Commission Company, Effingham
*Junction City Sales Company, Inc., Junction City
Kansas Hog Company, Morland
Kuhlman Hog Yards, Smith Center
Luckeroth Hog Market, Seneca
*Mankato Livestock Commission Company, Mankato
*Marysville Livestock Commission Company, Marysville
Mauer-Neuer Packing Company, Independence
*Medicine Lodge Sales Company, Medicine Lodge
*Miami County Livestock Company, Inc., Paloa
*Mid-Kansas Swine Association, Hutchinson
*Moline Auction Company, Inc., Moline
N.F.O. Buying Section, Marysville
*Oberlin Livestock Commission Company, Oberlin
Ogle Hog Company, Emmett
*Parsons Livestock Auction, Inc., Parsons
*Phillipsburg Sales Company, Phillipsburg
*Rezac Livestock Commission Company, St. Marys
*Sabetha Livestock Auction, Sabetha
*St. Francis Livestock Sales, St. Francis
Smith Center Hog Company, Smith Center
*South East Kansas Feeder Pig Association, Fredonia
*Southwestern Livestock, Inc., Dodge City
Stafford Brothers Hog Market, Fort Scott
*The Stockmans Livestock Exchange, Belleville
*Syracuse Sale Company, Inc., Syracuse
*Washington Livestock Sales, Washington
*Wichita Union Stockyards, Wichita
Wilson Certified Foods, Independence
*Winfield Livestock Auction, Inc., Winfield

Kentucky

*Albany Stockyard, Inc., Albany
R. B. Berry and Son Livestock Co., Inc., Clinton
*Blue Grass Stockyard, Lexington
*Bourbon Stockyard Company, Louisville
*Bowling Green Stockyard, Bowling Green
*Boyle County Stockyards, Danville
Breckinridge Livestock Center, Irvington
Brown Livestock Company, Clinton
*Burris Bullitt County Stockyards, Inc., Shepherdsville
*Catlettsburg Livestock Market, Catlettsburg
*Central Kentucky Livestock Market, Inc., Stanford
Choates Stockyard, Upton
Christian County Livestock Market, Hopkinsville
*Crittenden County Livestock, Marion
*Cross-Walton Livestock Market Center, Walton
Elizabethtown NFO Reload, Elizabethtown
*Farmers Commission Co., Inc., Tompkinsville
*Farmers Livestock Feeder Pig Sale, Mayfield
*Farmers Livestock Market of Glasgow, Inc., Glasgow
*Farmers Stockyards, Inc., Flemingsburg
Field Packing Company, Owensboro
Franklin-Simpson Livestock Company, Inc., Franklin
*Garrard County Stockyard, Inc., Lancaster
*Glasgow Livestock Market, Glasgow
*Good Day Stockyards, Princeton
Graves County Livestock Company, Inc., Mayfield
*Grayson County Stockyards Market, Inc., Leitchfield
*Green County Stockyard, Greensburg
Green River Livestock Market, Inc., Munfordville
Heinold Hog Markets, Inc., Fancy Farm
Heinold Hog Markets, Marion
Heinold Hog Markets, Inc., Morganfield
*Interstate Producers Livestock Association, Fancy Farm
*Interstate Producers Livestock Association, Morganfield
*Jolley's Feeder Pig Market, Albany
*Kentuckiana Livestock Market, Owensboro
*Kentucky Livestock Market, Inc., Bowling Green
*Kentucky-Tennessee Livestock Market, Inc., Guthrie
*King Livestock Company, Inc., Hopkinsville
*Lake Cumberland Livestock Market, Inc., Somerset
*Laurel Sales Company, London
*Lee City Livestock Company, Inc., Lee City
*The London Farmers Livestock Market, Inc., London
*Madison Sales Company, Richmond
*Mammoth Cave Marketing Corporation, Smiths Grove
Mantle Stockyards, Bardwell
*Marion Feeder Pig Sale, Marion
*Maysville Stockyard, Maysville
Morganfield NFO Collection Point, Morganfield
Morganfield Stockyards, Morganfield
*New Farmers Stockyard, Inc., Mount Sterling
*N.F.O. Stockyards, Cynthiana
Ohio Valley Producers, Corydon
*Owsley County Stockyard, Booneville
Paducah Livestock, Paducah
*Paintsville Livestock Market, Staffordsville
*Paris Stockyard, Paris
John M. Riley Livestock Market, Mayfield
*Russell County Stockyard, Russell Springs
*Russellville Livestock Market, Russellville
*Lee Schneider Sales Barn, Walton
*Taylor County Stockyards, Campbellsville
*Tri-County Stockyard, Smithfield
*Walton NFO Sales, Walton
*Washington County Livestock Center, Springfield
*Wayne County Feeder Pig Action, Monticello
*Wayne County Livestock Market, Inc., Monticello
*Wigwam Hog and Feeder Pig Market, Inc., Horse Cave
*Williamstown Stockyard, Inc., Williamstown

Louisiana

*Bastrop Livestock Auction, Inc., Bastrop
*Charlie Brown's Livestock, Baton Rouge
*Clark Livestock Auction, Inc., Bossier City
*Delhi Livestock Auction, Delhi
*Farmer and Stockman Auction, Inc., Clarence
*Franklinton Stockyards, Inc., Franklinton
Grand Cane Livestock Sales, Inc., Grand Cane
Homer Livestock Sales, Homer
Lum Bros. Stockyards, Inc., Vidalia
*Miller Livestock Commission, DeQuincy Branch, DeQuincy
*Miller Livestock Commission, DeRidder Branch, DeRidder
*Southwest Stockyard, Inc., Lake Charles
*West Monroe Livestock Auction, West Monroe

Maine

*Massow's Livestock Sales, Corinna
*Ben Tilton and Sons, Corinth

Maryland

*Aberdeen Sales Company, Aberdeen
Adkin Livestock, Inc., Parsonburg
Baltimore Livestock Market, Inc., West Friendship
*Cumberland Stockyards, Inc., Cumberland
Esskay Buying Station, Baltimore
Esskay Buying Station, Wye Mills
*Farmers Market and Auction, Mechanicsville
*Four State's Livestock, Inc., Hagerstown
*Frederick Livestock Auction, Inc., Frederick
*Friend's Stock Yard, Inc., Accident
*Grantsville Community Sales, Inc., Grantsville
Hatfield Packing Company Buying Station, Eden
*Hunter's Sale Barn, Inc., Rising Sun
Penn Packing, Snow Hill
*Harry Rudnick and Sons, Inc., Galena
*S. and J. Villari Livestock, Snow Hill
*Western Maryland Stock Yards, Inc., Westminster
*Woodsboro Livestock Sales, Inc., Walkerville

Massachusetts

Farmers Live Animal Market Exchange, Inc., (FLAME), Littleton
J. P. Hass and Sons, Rehoboth
*New England Commission Auction, South Easton
*Northamption Cooperative Auction Assn., Inc., Whately

Michigan

Andy Adams Sale Barn, Hillsdale
Coldwater Livestock Auction, Coldwater
Heinold Hog Markets, Inc., Burlington
Heinold Hog Markets, Inc., Jones
Lugbill Brothers, Inc., Morenci
Michigan Live Stock Exchange, Battle Creek
Michigan Live Stock Exchange, Cassopolis
Michigan Livestock Exchange, Manchester
Napoleon Livestock Commission Company, Napoleon
Tecumseh NFO Collection, Point Britton
Westfall Stockyards, Hillsdale

Minnesota

*Anderson Feeder Pig Company, Willman
Arends Sale Yard, Inc., Blue Earth
*Armour and Company, Browns Valley
Armour and Company, Dawson

Armour Hog Buying Station, Ortonville
B L D Livestock, Inc., Ivanhoe
*Bauman's Livestock, Ellsworth
*Benson Livestock Exchange, Inc., Benson
*Canby Livestock Sales Company, Canby
Corn Belt Meats, Inc., Albert Lea
*Cottonwood Veterinary Clinic, Windom
*Ewert Livestock, Inc., Sebeka
*Farmers Livestock Auction Market, Caledonia
Farmers Livestock Company, Elmore
*Granite City Livestock Sales, St. Cloud
*Gopher State Feeder Pig Auction, Inc., Madelia
*Harmony Livestock Sales, Harmony
*Hebrink Feeder Pig Market, Renville
George A. Hormel and Company, Austin
Geo. A. Hormel Livestock Buying Station, Canby
Hormel Livestock Buying Station, Blue Earth
Iowa Pork Industries, Buffalo Lake
*Kasson Livestock Exchange, Kasson
Lakefield N.F.O. Collection Point, Lakefield
*Lamberton Stockyards, Inc. (two sites), Lamberton
Lee and John's Livestock, Harmony
*Lewiston Livestock Market, Lewiston
*Long Prairie Livestock Auction Market Inc., Long Prairie
*Luverne Livestock Auction, Luverne
*Dale Melin Feeder Pig Market, Sauk Centre
*Minnesota Feeder Pig Market (Elysian Division), Elysian
*Minnesota Feeder Pig Markets, Inc., Gibbon
*Minnesota Feeder Pig Markets, Inc., Pipestone
*Minnesota Feeder Pig Markets, Inc. (Willmar Division), Willmar
*Minnesota Feeder Pig Markets, Windom
Morrell Hog Buying Station, Madison
John Morrell and Company, Kiester
Morris Hog Buying Station, Morris
*Northern States Feeder Pig, Inc., Sauk Centre
Pierson Livestock, Ivanhoe
*Pipestone Livestock Auction Market, Pipestone
*Pork Central, Mabel
Rath Packing Company, Prosper
Rath Packing Company, Rushford
*Rice Feeder Pig Center, Rice
Rosen Livestock, Fairmont
*Rush City Livestock Auction, Rush City
*Sauk Centre Tel-O-Auction Cooperative, Sauk Centre
*Sauk Centre Tel-O-Auction Cooperative, Perham
*Sleepy Eye Auction Market, Sleepy Eye
Smith Livestock, Granada
*Speldrich Feeder Pig Market, Belgrade
*Springfield Stockyards, Springfield
*Spring Grove Livestock Exchange, Inc., Spring Grove
*Spring Valley Sales Company, Spring Valley
*St. Paul Union Stockyards, South St. Paul
*Top Livestock Auction, Edgerton
*Tri-County Livestock Auction, Inc., Motley
Welcome NFO Livestock Collection Point, Welcome
Wilson and Company, Inc., Bricelyn
*Windom Sale Company, Inc., Windom
Winona NFO Collection Point, Goodview
*Worthington Livestock Sales Company, Worthington
*Zumbrota Livestock Auction Market, Inc., Zumbrota

Mississippi

*Alcorn County Stockyard, Corinth
*Billingsley Auction Sale, Inc., Senatobia
*George County Stockyards, Lucedale
*Grenada Livestock Exchange, Grenada
Lincoln County Livestock Commission Co., Inc., Brookhaven
Lipscomb Brothers Livestock Market, Inc., Como
Livestock Producers Association, AAI., Tylertown
*Macon Stockyard, Macon
Meridian Stockyards, Inc., Meridian
Mississippi Livestock Producers Assoc., Hazelhurst
*Natchez Stockyards, Inc., Natchez
New Albany Sale Company, New Albany
Pike County Livestock Sales, Inc., Hazlehurst
Poplarville Stockyards, Inc., Poplarville
*Reagan Stockyard, Greenville
Ripley Sales Company, Ripley
*Glynn Robinson Stockyard, West Point
*Southeast Mississippi Livestock Farmers Assoc., Hattiesburg
*Southwest Stockyard, Gibson
*Walnut Sale Company, Walnut

Missouri

Adams County Livestock Buyers, Inc., Palmyra
*Alton Sale Company, Alton
Baring Stockyards, Baring
*Bollinger County Livestock Producers Association, Marble Hill
*Brookfield Livestock Auction, Inc., Brookfield
*Brunswick Livestock Auction, Inc., Brunswick
*Buffalo Livestock Center, Buffalo
*Callaway Stock Sales, Inc., Fulton
Callao NFO Collection Point, Callao
*W. R. Cantrell and Sons Sale Company, Archie
Central Hog Buyers, Centralia
*Central Livestock Market, Poplar Bluff
Central Hog Market, Rich Fountain
*Central Missouri Livestock Auction, Inc., Mexico
*Central Missouri Sales Company, Inc., Sedalia
*Chillicothe Livestock Market, Inc., Chillicothe
*Circle S Livestock Market, Stanberry
*Clark County Sale Company, Kahoka
Clinton Hog Market, Clinton
*Columbia Livestock Auction Market, Inc., Columbia
*Concordia Livestock Auction, Concordia
*Cordray Livestock, Princeton
4 Corners (NFO) Collection Point, Hunnelwell
*Dent County Livestock Improvement Association, Salem
Mike Dethrow Livestock Service, Alton
*Diamond Feeder Pig and Fat Hog Auction, Diamond
*Diamond Marketing Center, Inc., Diamond
*Downing Stockyards, Downing
*Eastern Missouri Liverstock Market, Inc., Bowling Green
*Edina Auction Market Inc., Edina
Edina NFO Collection Point, Edina
Eldon Hog Market, Olean
*El Dorado Sales Company, Inc., El Dorado Springs
*Fair Play Sales and Auction, Fair Play
*Farmington Livestock Market, Inc., Farmington
*Farmland Feeder Pig Collection Point, Odessa
*Farmers and Traders Commission Co., Inc., Palmyra
*Farmers Livestock Auction, Inc., Boonville
Ferguson Hog Market, Sedalia
Fortuna NFO Collection Point, Fortuna
*Four-County Feeder Pig Collection Point, Humansville
Four Rivers Collection Point, Labadie
*Fredericktown Auction Company, Inc., Fredericktown
*Fruitland Livestock, Inc., Jackson
*Gallatin Livestock Auction, Inc., Gallatin
*Don Ghere Sales Company, Butler
*Green City Livestock Market, Green City
Harold Kornbrust Hog Buying Station, Marceline
Heinold Hog Market, Inc., Biehle
Heinold Hog Market, Inc., Bowling Green
Heinold Hog Market, Inc., Clarence
Heinold Hog Market, Hawk Point
Heinold Hog Market, King City
Heinold Hog Market, Labelle
Heinold Hog Market, Maryville
Heinold Hog Market, Monroe City
Heinold Hog Market #114, Monroe City
Heinold Hog Market, Inc., Monticello
Heinold Hog Market, Inc., Paris
Heinold Hog Market, Inc., Bloomfield
Heinold Hog Market, Inc., Stet
Heinold Hog Market, Inc., Tarkio
Heinold Hog Market, Trenton
Heinold Hog Market, Inc., Wellsville
*I-70 Farmers Livestock Market, Higginsville
Interstate Producers Livestock Association (IPLA), Oran
*Interstate Producers Livestock Association, Caledonia
*Interstate Producers Livestock Association #1, Cuba
*Interstate Producers Livestock Association #2, Cuba
*Interstate Producers Livestock Association, Perryville
*Interstate Producers Livestock Association, Silva
Interstate Producers Livestock Association, Jackson
*Johnson County Livestock Market, Warrensburg
*Joplin Stockyards, Joplin
*Kahoka Sale Company, Inc., Kohoka
*Kansas City Stockyards, Kansas City
*Kennett Sales Company, Inc., Kennett
Ernest Kimbrough Hog Market, Diamond
*Kingsville Livestock Auction, Kingsville
*Kirksville Livestock Market, Inc., Kirksville
*Licking Livestock Auction Company, Licking
Lewis and Son Hog Buyers, Glasgow
*Lexington Livestock Auction, Lexington
*Lakeland Livestock, Inc., Lowry City
*Lolli Sales Pavilion, Macon
Marshall Livestock Auction, Marshall
Oscar Mayer and Company, Inc., Shelbina
Oscar Mayer and Company, Inc., Callao
*Maysville NFO Collection Point, Amity
*Meta Collection Point, Inc., Meta
*Meyer Livestock Market, Hermann
MFA Feeder Pig Yards, Westphalia
MFA Feeder Pig Market, Taneyville
*MFA Feeder Pig Yards, Stockton
*MFA Feeder Pig Yards, Rolla
*MFA Feeder Pig Tele Auction, Doniphan
*MFA Feeder Pig Market, Sedalia

*MFA Livestock Association, Alton
*MFA Livestock Association, Cabool
*MFA Livestock Association, Inc., Ellington
*MFA Livestock Association, Mansfield
*MFA Livestock Association, Inc., Wheaton
M.F.A. Livestock Association, Inc., Browning
*MFA Feeder Pig Yards, West Plains
*Mid-West Livestock Market, Inc., Nevada
*Milan Livestock Auction, Inc., Milan
*Mo Cow Company, Lancaster
*Montgomery County Livestock Auction Company, Montgomery
National Hog Buyers, Inc., Columbia
*Nevada Livestock Auction, Inc., Nevada
*New Cambria Livestock Auction Market, New Cambria
Nichols Stockyards, Bethany
*Odessa Community Sale, Odessa
*Olean Livestock Market, Inc., Eldon
Osage Hog Buyers, Inc., Linn
*Osage County Livestock Producers Association, Linn
*Ozarks Regional Stockyard, West Plains
Patton Jct. N.F.O. Collection Point, Patton
*Poplar Bluff Sales Company, Poplar Bluff
*Potosi Livestock Market, Potosi
*Puxico Stockyards and Auction Company, Puxico
Rains Livestock, Inc., Poplar Bluff
Reed Livestock, Dexter
Reed (Chester) Livestock Market, Mountain Grove
*Rich Hill Sale Company, Rich Hill
*Roberts Bros. Livestock Commission Company, Bolivar
*Rolla Livestock Auction, Rolla
*St. Clair Auction Company, St. Clair
St. Elizabeth Hog Market, St. Elizabeth
Ste. Genevieve Livestock Collection Point, Ste. Genevieve
*St. Joseph Stockyards, South St. Joseph
*Salem Auction Company, Salem
*Savannah Livestock Auction, Savannah
*Scotland County Livestock Auction Company, Memphis
*Sedgewickville Auction, Sedgewickville
*Shelbina Auction Company, Shelbina
*Sho-Me-Feeder Pig, Inc., Ava
*Sho-Me-Feeder Pig, Inc., Thayer
*South Central Livestock Market, Inc., Vienna
*Southwest Missouri Livestock Association, Inc., Sarcoxie
*Springfield Regional Stockyards Company, Springfield
Straightway Farm Services, Inc., Jackson
Swift Independent Packing Co. Buying Station, Burlington Junction
Swift Independent Packing Company, Cainsville
Swift Independent Hog Market, Corder
Swift Independent Packing Company, Eolia
Swift Independent Packing Company, Montgomery City
Swift Independent Hog Buying Station, Trenton
Swift Independent Hog Buying Station, Braymer
Thomas/Potter Livestock, Eldon
Thomas and Potter Livestock, Inc., Lebanon
Thomas Hog Market, Syracuse
Thompson Hog Market, Glasgow
*Tina Livestock Auction, Tina
*Trenton Livestock Market, Inc., Trenton
Troy Hog Market, Inc., Troy
*Uder Livestock Auction Company, Lebanon
*Unionville Sale Company, Unionville
Urbana Auction Company, Urbana
Van Meter Hog Market, Kingsville
*Versailles Livestock Auction, Versailles
*Warsaw Auction Company, Warsaw
West Plains City Scales, West Plains
*Wheaton Livestock Auction, Inc., Wheaton
Wilson and Company Hog Market, Chillicothe
Wilson and Company Hog Market, Palmyra
Wilson and Company, Inc., Marshall
Wilson Foods Hog Market, St. Elizabeth
Wilson Foods Hog Market, Lexington
Wilson Hog Buying Station, Greenfield
Wilson Hog Market, Albany
Wilson Foods Hog Market, Middletown
Wilson Hog Market, Novelty
Wilson Hog Market, Salisbury
*Windsor Livestock Auction Company, Inc., Windsor

Montana

*Glasgow Livestock Sales Company, Glasgow
Glendive Livestock Sales Company, Glendive
*Kalispell Livestock Auction, Kalispell
*Livestock Auction, Inc., Baker
*Miles City Livestock Marketing Center, Miles City
*Public Auction Yards, Billings
*Sidney Livestock Market Center, Sidney

Nebraska

*Alma Livestock Commission Company, Inc., Alma
*Beatrice Sales Pavilion, Beatrice
*Beatrice 77 Livestock Sales Company, Beatrice
*Butte Livestock Market, Butte
*Blue Hill Livestock, Inc., d.b.a. Red Cloud Livestock, Red Cloud
*Chappell Livestock Auction, Chappell
Clougherty Packing Company, Cozad
Clougherty Packing Company, Gibbon Buying Station, Gibbon
*Columbus Sales Pavilion, Inc., Columbus
*Creighton Livestock Market, Inc., Creighton
*Fairbury Livestock Company, Inc., Fairbury
*Falls City Auction Company, Falls City
Farmland Food, Inc., Hardy
Franklin Livestock Market, Franklin
Gordon NFO Collection Point, Gordon
Hebron Livestock Commission Company, Hebron
Hogmarco, Cozad
*Hogmarco, Lexington
George Hormel and Company, Falls City
*Humboldt Sales Barn, Humboldt
*Huss Platte Valley Auction, Kearney
*Imperial Auction Market, Imperial
*Kearney Livestock Market, Inc., Kearney
Kleen-Leen, McCook
*Lexington Livestock Market, Lexington
McKee Livestock, Superior
*Midwest Livestock Commission Co., Inc., McCook
National Farmers Organization, Guide Rock
National Farmers Oragnization, Pawnee City
*Nebraska City Salebarn, Inc., Nebraska City
*Norfolk Livestock Market, Inc., Norfolk
N.F.D. Reload Point, Whitney
*Ogallala Livestock Auction Company, Ogallala
Omaha Livestock Market, Inc., Omaha
*Omaha Livestock Market, Inc. (Pig Palace), Omaha
*Oxford Livestock Commission Company, Oxford
*Pawnee Hog Market, Pawnee
*Pender livestock Market, Inc., Pender
*Platte Valley Livestock, Inc., Gering
Pork Packers International, Inc., Superior
*Rushville Livestock Commission Company, Rushville
*Southeast Nebraska Livestock Market, Palmyra
*Superior Livestock Commission Company, Superior
*Tecumseh Livestock Market, Inc., Tecumseh
*Tri-State Livestock Comm. Company, McCook
Valley Pork, McCook
*Verdigre Livestock Market, Verdigre
Victor's Iowa Pack, Inc., Beemer
The Weichman Pig Co., Inc., Fremont
*Western Livestock Auction Company, North Platte
Whitney Livestock, Whitney
Wilson and Company, Auburn
Wilson and Company, Pawnee City
Wilson and Company, Syracuse
*Wisner Sales Company, Inc., Wisner
*York Livestock Sales Company, York

New Jersey

Jaeger's Livestock Market, Sussex
*Livestock Cooperative Auction Market Association of North Jersey, Inc., Hackettstown

New Mexico

B and D Hog Company, Clovis
*Clovis Hog Company, Inc., Clovis
Clovis Hog Market, Clovis
*Deming Livestock Auction, Inc., Deming
*Five States Livestock Auction Company, Clayton
*Lea County Livestock Market, Inc., Lovington
Portales Livestock Commission Company, Portales
San Juan Livestock Auction, Inc., Aztec

New York

*Empire Livestock Marketing Cooperative, Inc., Caledonia
*Finger Lakes Liverstock Sale, Canandaigua
*Luther's Livestock Commission Market, Wassaic
Millerton Livestock Auction, Hillsdale

North Carolina

*Albemarle Cooperative Association, Inc. (Feeder Pig Sale Only), Edenton
Ashe Stockyards, Jefferson
Baker Hog Market, Inc., Tyner
Bridgers' Livestock Company, Rowland
Brite-Tatum Livestock Company, Inc., Elizabeth City
*Carolina Stockyard Company, Siler City
*Carolina-Virginia Stockyard Market, Windsor
Cattleman's Livestock Market, Canton
*Chadbourn Graded Feeder Pig Sale, Chadbourn
Chadbourn Livestock Market, Chadbourn
*Circle S Livestock, Inc., Pembroke
*Dedmon's Livestock Market and Feeder Pig Sale, Shelby
*East Carolina Stockyard, Kinston
*Elizabethtown Livestock Market, Pembroke
Farmers Cooperative Market, Lexington

Farmers Livestock Barn, Harrisburg
Farmers Livestock Exchange, Marshville
*FCX Livestock Market, Hillsborough
Farmers Livestock Market, Mount Airy
Green Hill, Inc., Whiteville
Hickory Livestock, Hickory
Robert Hollowell Livestock Market, Sunbury
W.H. Horney Livestock, (Dealer), Siler City
*Iredell Livestock Market Inc., Turnersburg
G.P. Kittrell and Son, Inc., Corapeake
*Gus Z. Lancaster Livestock Market, Rocky Mount
*Gus Z. Lancaster Quality Feeder Pig Sale (Dunn), Rocky Mount
Laurinburg Livestock Market, Laurinburg
*Lumberton Auction Company, Lumberton
Bill Martin, Greensboro
Miller's Livestock, Inc., Winfall
Mountain Livestock Auction, Murphy
Mount Olive Livestock Market (Buying Station), Mount Olive
*Mount Olive Livestock Market, Mount Olive
*Mountain Pork Producers Assoc. (Feeder Pig Sale), Murphy
Nichols Livestock Market, Inc., Dunn
Nichols Livestock, Inc., Snow Hill
North Central Livestock, Inc., Timberlake
*Norwood Stockyard and Feeder Pig Sale, Norwood
*Oxford Livestock Market, Inc., Oxford
*Powell Livestock Market, Smithfield
Reaves Livestock, Inc., Rowland
Riley's Livestock Market, North Wilkesboro
Smithfield Packing Company Hog Buying Station, Murfreesboro
*Southeastern Livestock Market, Inc., Chadbourn
Tommi Turner Livestock Market, Pink Hill
Turner's Livestock, Inc., Elizabeth City
*Union County Livestock Auction, Inc., Monroe
*Wells Livestock Market, Wallace
Wells Livestock Daily Buying Station, Wallace
Western Carolina Livestock Market, Asheville
Whedbee Livestock Market, Inc., Hertford
R.O. Whitley, Inc. (Buying Station), Como

North Dakota

*American Feeder Pig Co-op, Litchville
*Ashley Livestock Exchange, Ashley,
*Carrington Livestock and Sales, Carrington
Cloverdale Foods Company, Minot
Earl Parrow Stockyard, Hauana
*Edgeley Livestock, Inc., Edgeley
*Farmer's Livestock Exchange of Bismarck, Inc., Bismarck
Glen Ullin Weighing Association, Glen Ullin
*Glick Livestock Auction, Minot
*Harvey Livestock Auction, Harvey
Havana NFO Collection Plant, Havana
*Homebase Auction, Inc., Bowman
*Jamestown Livestock Sales Company, Jamestown
*Kist Livestock Auction Company, Mandan
*Lake Region Auction and Livestock Market, Inc., Devils Lake
*Linton Livestock Market, Linton
*Litchville Feeder Pig Auction, Litchville
*Minot Livestock Auction Sales, Inc., Minot
*McQuade Livestock, Wahpeton
New Salem Weigh Association, New Salem
*Northern Livestock Exchange, Minot
*Park River Livestock Auction Market, Park River
*Rugby Livestock Auction, Inc., Rugby
*Sitting Bull Auction, Williston
*Stockmen's Livestock Exchange, Inc., Dickinson
*Stockmen's Livestock Exchange, Inc., Beulah
Swift Independent, Wahpeton
*Tri County Livestock, Ashley
*Turtle Lake Sales Pavilion, Inc., Turtle Lake
*Union Stockyards Company of Fargo, West Fargo
*Western Livestock, Inc., Dickinson
*Wikenheiser Livestock, Strasburg

Ohio

Allart Trucking Company, Cincinnati
Bauman Stockyards, Inc., Napoleon
*Bloomfield Livestock Auction, North Bloomfield
Merle A. Bussert Livestock, Amanda
*Burkettsville N.F.O. Collection Point, Burkettsville
Butler County NFO Collection Point, Hamilton
*Carrollton Livestock Auction, Carrollton
Chickasaw Stockyard, Chickasaw
Cisco Stockyard, Inc., St. Marys
*Damascus Livestock Auction, Damascus
*Dicke Stockyard, New Bremen
*William Espel Sons, Inc., Cincinnati
*Farmerstown Sale, Inc., Baltic
French City Meats, Inc., Gallipolis
Gamboe Stockyards, Pioneer
*Geauga Livestock Commission, Inc., Middlefield
Harpster Stockyards, Ashland
Harvey Livestock, Inc., Coldwater
Heinold Hog Market, Eldorado
Heinold Hog Market, Inc., Sedalia
Heinold Stockyards, Versailles
*Hoppel Brothers Auction Pavilion, Inc., West Point
Interstate Livestock, Inc., Oxford
E. Kahn's Sons Company, Cincinnati
*Kleinhenz Brothers Livestock, St. Henry
Kleinhenz Brothers Stockyard, Celina
Kleinhenz Brothers Stockyard, Ft. Recovery
Kloeppel Livestock, Sidney
*Krugh's Stockyards, Wern
*Virgil Lampert Stockyards, New Bremen
Lewisburg NFO Collection Point, Lewisburg
*Lugbill Brothers, Archbold
Lugbill Brothers, Fayette
*Donald L. Hart, Jr., and James A. Kincaid, d.b.a. Marietta Livestock Sale Company, Marietta
*Middendorf Stockyards, Botkins
*Middendorf, Inc., Ansonia
*Middendorf Stockyards, Celina
*Middendorf Stockyard Company, Fort Loramie
*Middendorf Stockyards Company, d.b.a. Kenton Farmers Market, Kenton
*Middleton Stockyards, Inc., New Madison
*A. E. Miller Livestock, Delphos
*Ohio Valley Livestock Company, Gallipolis
Philothea Stockyard, Coldwater
*Producers Livestock Association, Bucyrus
*Producers Livestock Association, Cadiz
*Producers Livestock Association, Caldwell
*Producers Livestock Association, Delta
*Producers Livestock Association, Eaton
*Producers Livestock Association, Findlay
Producers Livestock Association, Greenville
*Producers Livestock Association, Hillsboro
*Producers Livestock Association, Lancaster
*Producers Livestock Association, London
*Producers Livestock Association, Marysville
*Producers Livestock Association, Mt. Vernon
*Producers Livestock Association, Orrville
*Producers Livestock Association, Springfield
*Producers Livestock Association, Wapakoneta
*Producers Livestock Association, Woodville
*Vic Ruhe Livestock, Ottawa
Selected Meat Company, Greenfield
Leonard B. Stemen d.b.a. L. B. Steman Stockyard, Middle Point
P. B. Stewart, Edon
Tuente Stockyards, Saint Sebastian
Tuente Stockyards, Yorkshire
*The Union Stockyards Company, Hillsboro
Waynesfield Stockyard, Waynesfield
Werling and Sons, Inc., d.b.a. Burkettsville Stockyard, Burketsville
*Wilson Brother d.b.a. Peoples Livestock Exchange, Greenville
Jerome Winner Stockyard, New Weston
Robert F. Winner Sons, Greenville
Robert Winner Sons, Inc., Osgood
*Joe Wood Livestock Market, New Vienna

Oklahoma

*Atoka Livestock Auction, Atoka
*Delaware County Livestock, Inc., Grove
Dewey Livestock, Inc., Dewey
*Durant Livestock Market, Inc., Durant
Enid Livestock Sales, Inc., Enid
*Farmers and Ranchers Livestock Auction, Vinita
*Ft. Smith Stockyards Co., Inc., Moffett
*Guymon Livestock Auction, Guymon
*Hugo Sales Commission, Inc., Hugo
*Hobart Stockyards, Inc., Hobart
*Holdenville Livestock Auction, Inc., Holdenville
*LeFlore Livestock Auction, Wister
*Marietta Livestock Auction, Marietta
*Meeker Livestock Market, Meeker
*Morris Livestock Commission, Antlers
*Muskogee Stockyards and Livestock Auction, Inc., Muskogee
Newkirk Sale Company, Newkirk
*Northeast Oklahoma Feeder Pig and Livestock Market, Leach
*Oklahoma National Stockyards Company, Oklahoma City
*Okmulgee Stockyards, Inc., Okmulgee
*Sallisaw Livestock Auction, Sallisaw
*Small Hog Company, Dacoma
*South Coffeyville Livestock Market, Inc., South Coffeyville
*Tahlequah Sale Barn, Tahlequah
*Welch Livestock Auction, Welch

Oregon

*Mid-Columbia Livestock Exchange, The Dalles
*Northwestern Livestock Commission Company, Hermiston
*Portland Livestock Market, Portland
*Vale Livestock Market, Vale

Pennsylvania

*Belknap Livestock and Equipment Auction, Dayton
*Belleville Livestock Market, Inc., Belleville
*Carlisle Livestock Market, Inc., Carlisle
*Chambersburg Livestock Sales, Inc., Chambersburg
*Chesley's Sales, Inc., North East

*Cowanesque Valley Livestock Auction, Knoxville
Wayne F. Craig and Son, Shippensburg
*Dewart Livestock Market, Dewart
*Eighty Four Auction Sales, Inc., Eighty Four
Emery's Buying Station (located at Green Dragon Auction, Ephrata
Esskay Buying Station, Littlestown
*G and M Livestock Market, Inc., Duncansville
*Greencastle Livestock Market, Inc., Greencastle
Green Dragon Livestock Sales, Ephrata
*Hickory Auction and Sales, Inc., Hickory
C. A. Hulshart (Swine Receiving Station), Stewartstown
*Indiana Livestock Market, Inc., Homer City
*Jersey Shore Livestock, Inc., Jersey Shore
*Keister's Middleburg Auction Sales, Inc., Middleburg
*Lancaster Stockyards, Inc., Lancaster
*Lebanon Valley Livestock Market, Inc., Fredericksburg
*Leesport Market and Auction, Inc., Leesport
*Meadville Livestock Auction, Saegertown
*Mercer Livestock Auction, Mercer
C. Robert Miller, Watsontown
*Morrison Cove Livestock Market, Martinsburg
*New Holland Sales Stables, Inc., New Holland
*New Wilmington Livestock Auction, Inc., New Wilmington
*Nicholson Sales Company, Nicholson
*Penns Valley Livestock Auction, Inc., Centre Hall
*Pennsylvania Livestock Auction, Inc., Waynesburg
*Perkiomenville Livestock and Sales, Inc., Perkiomenville
*Quakertown Livestock Sale, Quakertown
*Sechrist Sales Company, Inc., Fawn Grove
W. R. Sellers Livestock, Greencastle
*Thomasville Livestock Market, Inc., York
*Tri-County Livestock Auction, Inc., Brockway
*Troy Sales Cooperative, Troy
*Union City Livestock Auction, Union City
Valley Stockyards, Inc., Athens
*Vintage Sales Stables, Inc., Paradise
*Wayne County Auction Barn, Inc., Honesdale
*Wyalusing Livestock Market, Wyalusing

South Carolina

Cattleman's Livestock Market, Inc., Laurens
Chesnee Livestock Company, Chesnee
Cottingham Livestock Company, Dillon
Coward-Florence County Livestock Market, Coward
*Darlington Auction Market, Darlington
Dorchester Marketing Association, St. George
*Ehrhardt Stockyards, Inc., Ehrhardt
*Farmers County Line Stockyards, Andrews
Farmers Livestock Market, Leesville
*Farmer's Market, Estill
Florence Union Stockyards, Florence
Gwaltney of Smithfield, Ruffin
*Hemingway Livestock Market, Hemingway
Homewood Livestock Market, Conway
*Hutto Stockyard, Inc., Holly Hill
*Jim's Livestock, Inc., Pig Barn, Kingstree
Kingstree Union Stockyard, Kingstree
Lugoff Livestock Market, Lugoff
*Orangeburg Stockyard, Inc., Orangeburg
Palmetto Livestock, Inc., Anderson
Pee Dee Stockyard, Galivants Ferry
Piedmont Livestock Barn, Belton
Rabon's Livestock, Loris
S and S Milling Company, Hemingway
Saluda County Stockyards, Saluda
Smithfield Packing Company, Nichols
South Carolina Farm Bureau d.b.a. Jim's Livestock, Kingstree
*Springfield Stockyard, Inc., Springfield
John C. Taylor Stockyard, Anderson
Walterboro Stockyards Co., Inc., Walterboro
York County Stockyards, York

South Dakota

*Belle Fourche Livestock Exchange, Inc., Belle Fourche
*Bowdle Livestock Sales, Inc., Bowdle
*Britton Livestock Auction, Inc., Britton
Browns Valley Collection Point (physically located in Roberts County, South Dakota), Browns Valley
*Burke Livestock Auction, Burke
*Canton Livestock Sales Company, Canton
*Chamberlain Livestock Auction, Inc., Chamberlain
Columbia Collection Point, Columbia
*Faith Livestock Commission Company, Inc., Faith
*Fort Pierre Livestock Auction, Inc., Fort Pierre
*Gregory Livestock Auction Company, Gregory
Jerry Grogan, Livestock, Aberdeen
*Herreid Livestock Market, Inc., Herreid
*Hub City Livestock Sales, Aberdeen
*Kramer's Livestock Auction Company, Inc., Sioux Falls
*Loken's Watertown Sales Pavilion, Inc., Watertown
*Madden's Livestock Auction Market, Inc., St. Onge
*Madison Livestock Auction Company, Madison
*Magness-Huron Livestock Exchange, Inc., Huron
*Martin Auction Company, Inc., Martin
*Mitchell Livestock Auction Co., Inc., Mitchell
*McLaughlin Livestock Auction, McLaughlin
*Mobridge Livestock Auction Market, Inc., Mobridge
John Morrell and Company, Watertown
Morrell Buying Station, Flandreau
John Morrell Hog Buying Station, Aberdeen
NFO Collection Point, Big Stone City
Old Faithful, Lebanon
Owen Livestock Company, Britton
*Philip Livestock Auction, Philip
*Potter County Livestock, Inc., Gettysburg
*Sioux Falls Stockyards Company, Sioux Falls
*Sisseton Livestock Auction, Inc., Sisseton
SoDak Pork (Hoven Pork), Hoven
SoDak Pork, Aberdeen
*South Dakota Livestock Sales of Watertown, Watertown
*Stockman's Auction Co., Inc. d.b.a. Bales Continental Commission, Huron
*Stockmen's Livestock Auction Company, Yankton
*Sturgis Livestock Exchange, Inc., Sturgis
Swift and Company Buying Station, Hudson
Swift Buying Station, Wagner
Swift Independent Packing Company, Redfield
Swift Independent Packing Co. Hog Buying Station, Watertown
Swift Independent Packing Company, Winner
Swift Independent Packing Company, Aberdeen
*Thorpe Livestock, Inc., d.b.a. Aberdeen Livestock Sales Company, Aberdeen
*Tripp Livestock Market, Inc., Tripp
*Wessington Springs Livestock Company, Wessington Springs
*Lemon Livestock, Inc., Lemmon
*Willow Lake Livestock Auction, Willow
*Winner Livestock Auction Company, Winner
*Yankton Livestock Auction Market, Yankton

Tennessee

Athens Livestock Auction Company, Inc., Athens
*Johnny Boyce Feeder Pig Barn, Unionville
*Boyce (Bobby) Livestock Company, Inc., Shelbyville
*Brownsville Feeder Sales Association, Brownsville
*C and M Livestock Market, Jamestown
*Carroll County Feeder Pig Association, Huntingdon
*Chattanooga Stockyards, Inc., Chattanooga
*Coffee County Feeder Pig Market, Manchester
*Coffee County Livestock Market, Manchester
Collierville Livestock Auction Company, Collierville
Copeland and Mitchell Livestock, Byrdstown
Covington Sale Company, Covington
Criswell Livestock, Trenton
Crockett Livestock Sales Co, Inc., Maury City
Cross Plains Livestock Market, Cross Plains
Cumberland City Stockyard, Cumberland City
*Cumberland Feeder Pig Sales, Cookeville
DeKalb County Livestock Company, Alexandria
*Derryberry Pig Barn, Chesterfield
*Dickson County Feeder Pig Sale, White Bluff
*Dickson Livestock Center, Inc., Dickson
East Tennessee Livestock Center, Inc., Sweetwater
*Farmers Auction Livestock, Fayetteville
Farmers Livestock Exchange, Union City
Farmers Livestock Market, Greeneville
Harry Floyd Livestock, Inc., Savannah
Floyd Livestock, Waynesboro
Gamaliel Livestock Market, Gamaliel
Greeneville Livestock Company, Inc., Greeneville
*Hardin County Livestock Association, Savannah
*Hardin County Stockyard, Savannah
Heinold Hog Market, Newbern
Heinold Hog Markets, Inc., Selmer
Jackson County Commission Company, Gainesboro
*Jolley Bros., Doyle
Jonesboro Livestock Market, Jonesboro
Kentucky Buyers, Belvidere
*Kingsport Livestock Auction Corp., Kingsport
Lawrence County Stockyards, Lawrenceburg
*Lewisburg Feeder Pig Market, Lewisburg
Lewisburg Livestock Market, Lewisburg
*Lexington Sales Company, Lexington
*Feeder Pig Division of Lawrence County Livestock, Lawrenceburg
Macon Livestock Market, Inc., Lafayette
*Maxwell Livestock Market, Woodbury

Middleton Sale Company, Middleton
*Midsouth Feeder Pigs, Inc., Decaturville
*Mid-State Producers Feeder Pig Sale, Woodbury
Milan Buying Station, Union City
*Moody Livestock, Newbern
Morristown Stockyards, Inc., Morristown
Mullins Livestock Yard, Clinton
Murfreesboro Livestock Market, Murfreesboro
New Tazewell Livestock Market, New Tazewell
*Paris Livestock Sales, Paris
*People's Stockyard, Cookeville
People's Stockyard, Fayetteville
Plateau Livestock Exchange, Crossville
Pulaski Stockyard, Pulaski
*Robinson Feeder Pig Sales Company, Franklin
Rogersville Livestock Market, Rogersville
Scotts Hill Auction Company, Inc., Scotts Hill
*Sells Pig Barn, Winchester
*Sevier County Livestock Association, Sevierville
Sevier County Livestock Auction Company, Seymour
Shelbyville Livestock Market, Shelbyville
*Smith County Commission Company, Carthage
*Smith County Feeder Pig Association, Carthage
*Smotherman Feeder Pig Barn, Murfreesboro
*South Memphis Stockyards, Memphis
Southern Livestock Market, Columbia
*Southwestern Sales Co., Inc., Huntingdon
Sparta Livestock Market, Inc., Sparta
Tennessee Livestock Producers, Inc., Fayetteville
Tennessee Livestock Producers, Inc., Thompson Station
Trenton Livestock Sales Company, Trenton
*Tri-County Stockyards, McKenzie
Trousdale County Livestock Market, Hartsville
*Unionville Livestock Market, Unionville
*Volunteer Feeder Pig Sale, Lexington
*Warren County Livestock Association, McMinnville
Warren County Livestock Market, Inc., Morrison
West Tennessee Auction Company, Martin
Wilson County Livestock Market, Lebanon
Wilson Livestock Market, Newport

Texas

*Cattleman's Livestock Commission Company, Dalhart
*Ft. Worth Stockyards, Fort Worth
*Gainesville Livestock Auction, Gainesville
*J and J Livestock Commission Co., Inc., Texarkana
Muenster Livestock Auction, Muenster
*Southwest Hog Market, Idalou
Texas Agricultural Marketing and Development Association, Amarillo

Utah

*Producers Livestock Marketing Association, North Salt Lake
*Producers Salina Auction, Salina

Vermont

*East Thetford Commission Sales, East Thetford

Virginia

Abingdon Livestock Exchange, Inc., T/A Tri-State Livestock Market, Abingdon
Amherst County Livestock Market, Inc., Amherst
Charlottesville Livestock Market, Charlottesville
Christiansburg Livestock Market, Inc., Christiansburg
Ewing Livestock, Ewing
*Farmers Livestock Exchange, Inc., Winchester
Farmers Livestock Market, Inc., Tazewell
Fauquier Livestock Exchange, Inc., Marshall
Fredericksburg Stockyard, Inc., Fredericksburg
Front Royal Livestock Exchange, Inc., Front Royal
Galax Livestock Market, Inc., Galax
Kenbridge-Victoria Livestock Market, Inc., Victoria
The Lee Farmers Livestock Market, Jonesville
Lynchburg Livestock Market, Inc., Lynchburg
*Madison Livestock Market, Madison
Monterey Livestock Sales, Inc., Monterey
Narrows Livestock Auction Market, Narrows
*Nokesville Livestock Market, Nokesville
Orange Livestock Market, Orange
Phenix Livestock, Inc., Phenix
Pulaski County Livestock Market, Dublin
Roanoke-Hollins Stockyard, Hollins
Roanoke Livestock Market, Roanoke
*Rockingham Livestock Sales, Inc., Harrisonburg
*Shenandoah Valley Livestock Sales, Inc., Harrisonburg
Smithfield Livestock, Inc., Smithfield
South Boston Livestock Market, Inc., South Boston
South Hill Livestock Market, South Hill
*Southampton Stockyards, Inc., Courtland
*Southside Livestock Markets, Inc., Blackstone
*Southside Livestock Market, Inc. of Farmville, Blackstone
Staunton Livestock Market, Inc., Staunton
*Staunton Union Stockyards, Staunton
*Tappahannock Livestock Market, Inc., Tappahannock
Virginia-Carolina Livestock and Agriculture Market, Inc., Danville
*Walker Bros. Livestock Pavilion, Seven Mile Ford
Wytheville Livestock Market, Inc., Wytheville

Washington

*Stockland Livestock Exchange, Inc., Spokane
*Walla Walla Livestock Auction, Walla Walla

West Virginia

*Bluegrass Market, Inc., North Caldwell
*Jackson County Livestock Market, Inc., Ripley
*Moundsville Livestock Auction Company, Moundsville
*Ohio County Livestock Auction, Mt. Echo
*Terra Alta Stockyards, Terra Alta
*United Livestock Market, Mineral Wells

Wisconsin

*Beetown Livestock Exchange, Lancaster
*Belmont Livestock Market, Belmont
Al Berning, Cuba City
Darlington N.F.O. Stockyards, Darlington
Dunwiddie Livestock, Brodhead
Dunwiddie Livestock, Juda
Ellsworth N.F.O. Collection Point, Ellsworth
*Equity Cooperative Livestock Sales Association, Arlington
*Equity Cooperative Livestock Sales Association, Bonduel
*Equity Cooperative Livestock Sales Association, Johnson Creek
*Equity Cooperative Livestock Sales Association, Monroe
*Equity Cooperative Livestock Sales Association, Ripon
*Equity Cooperative Livestock Sales Association, Sparta
*Equity Cooperative Livestock Sales Association, West Salem
*Farmers Livestock Market, Rice Lake
Grant County Livestock Exchange, Hazel Green
*Kuehne Livestock Auction Market, Seymour
Thomas D. Kane Market, Oconomowoc
Kuehne Livestock and Auction Sales, Seymour
*Midwest Livestock Producers Coop., Barron
*Midwest Livestock Producers Coop., Dodgeville
*Midwest Livestock Producers Co-op., Marion
*Midwest Livestock Producers Co-op., Ettrick
*Midwest Livestock Producers Coop., Shullsburg
*Midwest Livestock Producers Coop., Monticello
*Midwest Livestock Producers Coop., Fennimore
*Midwest Livestock Producers Coop., Francis Creek
*Midwest Livestock Producers Coop., Lomira
Milwaukee Stockyards, Milwaukee
*Gary Nieman Feeder Pig Market, Arpin
*Tim Orr Livestock Market, Weyauwega
*Gordon Peterson, Waupaca
*Charles Pufahl Market, Waupaca
Rock County Reload Market, Hanover
*Donald Schwebs Market, De Forest
*Haulis E. Simon, New Richmond
*Ray Wolosek, Jr., Wisconsin Rapids
*Philip C. Ziegler Livestock Market, Appleton

Wyoming

*Douglas Livestock Exchange Company, Douglas
*Greybull Livestock Auction Market, Greybull
*Powell Auction Market, Powell
*Sheridan Livestock, Inc., Sheridan
*Stockman's Livestock Market, Torrington
*Stockgrowers Livestock Auction, Inc., Worland
*Torrington Livestock, Torrington
*Worland Livestock Company, Worland
Wyo-Braska Pork Marketing, Torrington.

Effective Date: The foregoing notice shall become effective October 21, 1985.

Done at Washington, DC, this 9th day of October 1985.

G. J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-24670 Filed 10-18-85; 8:45 am]

BILLING CODE 3410-34-M

federal register

Monday
October 21, 1985

Part IV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 31

Federal Acquisition Regulation (FAR); Retroactive or Backdated Insurance; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

Federal Acquisition Regulation (FAR); Retroactive or Backdated Insurance

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering an addition to Federal Acquisition Regulation (FAR) 31.205–19, Insurance and indemnification, to make premiums for retroactive or backdated insurance expressly unallowable on Government Contracts. The proposed change explicitly states what is implied in the present language of FAR 31.205–19, i.e., that such premiums are payment for losses which are specifically unallowable under FAR 31.205–19(a)(3).

COMMENTS: Comments should be submitted to the FAR Secretariat at the address shown below on or before November 20, 1985, to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4041, Washington, DC 20405.

Please cite FAR Case 85–48 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council are considering a change to FAR 31.205–19, Insurance and indemnification, which elaborates on the treatment of actual or known losses. The proposed addition in paragraph (a)(5) specifically states that premiums for retroactive or backdated insurance are unallowable on Government contracts. This is not a policy change in that such premiums are payment for losses which are specifically unallowable under FAR 31.205–19(a)(3). This addition is considered necessary in view of the risk of dispute over the allowability of premiums for retroactive or backdated insurance.

B. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) because small entities usually are not prime candidates for this type of insurance. Therefore, a regulatory flexibilty analysis has not been prepared.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 31

Government Procurement.

Dated: October 15, 1985.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Part 31 be amended as follows:

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority for part 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137, and 42 U.S.C. 2453(c).

2. Section 31.205–19 is amended by adding paragraph (a)(5) to read as follows:

31.205–19 Insurance and indemnification.

(a) * * *

(5) Premiums for retroactive or backdated insurance written to cover occurred and known losses are unallowable.

* * * * *

[FR Doc. 85–25012 Filed 10–18–85; 8:45 am]

BILLING CODE 6820–61–M

Federal Register

Monday
October 21, 1985

Part V

Department of Labor

Occupational Safety and Health Administration

29 CFR Part 1928

Agriculture Health and Safety Standards; Field Sanitation; Comment Period Reopened

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1928

[Docket No. H-308]

Agriculture Health and Safety Standards; Field Sanitation; Comment Period Reopened

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of decision superseding prior determination not to issue a standard; notice of limited reopening of the rulemaking record.

SUMMARY: This notice announces the Secretary of Labor's decision that additional steps are needed to protect hand laborers from diseases associated with the inadequate provision of sanitation and drinking water in the agricultural fields. The notice, therefore, sets aside the April 16, 1985 determination not to issue a federal field sanitation standard (50 FR 15086, April 16, 1985) and finds that the states can and should make every effort to issue field sanitation standards that provide adequate protection for hand laborers in the fields and are adequately enforced. The notice also establishes guidelines and procedures for determining the adequacy of relevant state action and outlines ways in which OSHA is prepared to assist the states in this endeavor.

The notice further commits OSHA to the issuance of a federal field sanitation standard within 24 months in the event the states do not take the necessary action within the next 18 months.

In addition, the notice reopens the rulemaking record for field sanitation (proposal published at 49 FR 7589, March 1, 1984) for the purpose of seeking public comment on two quantitative risk assessments.

DATES: Written comments must be submitted by December 20, 1985.

ADDRESSES: Comments should be sent in quadruplicate to: Docket Officer, Docket H-308, Room N3670, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Room N3637, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 1972, the National Congress of Hispanic American Citizens filed a petition asking OSHA to issue a standard for agricultural workers requiring employers to provide potable drinking water and handwashing and toilet facilities in the field. Pursuant to a 1982 court-approved settlement agreement resolving almost 10 years of litigation surrounding OSHA's activities with regard to the issue, the Agency published a Notice of Proposed Rulemaking and a request for comments on March 1, 1984. In response to that proposal, an extensive rulemaking record was developed, including many prehearing comments, testimony at five public hearings and additional exhibits and post hearing comments. The record was closed on August 31, 1984. (A fuller explanation of the background and legal history surrounding the field sanitation standard can be found at 49 FR 7589 and 50 FR 15086).

To aid in its consideration of the record, OSHA contracted with two of its expert witnesses, Dr. Jesse S. Ortiz, Associate Professor of Environmental Health at the School of Health Sciences of the University of Massachusetts (Amherst), and Eugene J. Gangarosa, M.D., Professor and Director of Master of Public Health Program, Emory University School of Medicine, to summarize and analyze the scientific evidence in the record and, if possible, to do quantitative assessments of the risks faced by farmworkers due to inadequate field sanitation. Those risk assessments were completed and delivered to OSHA in early October 1984, after the public record had been closed.

On April 16, 1985, OSHA published its decision not to issue a field sanitation standard at that time (50 FR 15086). Shortly thereafter, incoming Secretary William E. Brock determined that he would review that decision. Then, on May 7, 1985, OSHA received a Petition for Reconsideration of the April 16 decision on behalf of the Farmworker Justice Fund and 28 other organizations. The Petition challenged the rationale and factual bases for the April 16, 1985 determination. Petitioners also argued that the overwhelming weight of the evidence, particularly from medical, public health and scientific experts, demonstrates the need for a federal field sanitation standard. OSHA, petitioners alleged, failed to adequately take into account these considerations, which were the main items of concern during the rulemaking.

The April 16, 1985 Determination and the Need for Regulation

The Secretary has thoroughly reviewed both the evidence in the record, compiled during the rulemaking leading up to the April 16 determination not to issue a Federal Field Sanitation standard at that time, and the policy reasons behind that determination. Those reasons included the severe limitations on OSHA's resources, OSHA's other priorities and the appropriateness of state action to protect farmworkers. The Secretary has concluded that the clear evidence in the record to date of unacceptable risks to the health of farmworkers arising from the currently inadequate provision of sanitary facilities and drinking water at their worksites means that the decision not to issue a federal standard must now be set aside. While not rejecting the policy reasons set forth in the April 16 determination, the Secretary now finds that a different balance must be struck in order to give proper weight to the health risks posed. Thus, based on his review of the record, the Secretary has reached a determination that further regulation is required to deal with farmworkers' health problems. However, he continues to believe that state action responsive to this need would be preferable to, and more effective than federal action. He therefore has decided to afford the states an opportunity to take adequate action to protect farmworkers, and he is offering assistance to the states for this task. In the event that the states fail within the specified time to take advantage of this opportunity, the Secretary is committed to promulgating a federal standard to provide such protection. Because the Secretary believes that further regulation, preferably on a state level, is needed to protect farmers adequately and because the April 16 determination not to issue a federal standard did not adequately take into account the health risks posed, that decision is hereby superseded.

The Need to Reopen the Record

In support of its Petition For Reconsideration, petitioners referred to the risk assessments developed by OSHA's contractors, which have not been subjected to public scrutiny. OSHA believes that these assessments are an important part of the rulemaking and is making them part of the record so that interested persons can comment on them. Comments are invited on these reports. Evidence or comments already in the record or duplicative of what is in the record should not be resubmitted.

Comments should be sent to: Docket Officer, Docket H-308, Room N3670, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

The cumulative impact of the data and expert opinion fully supports the existence of unacceptable risk to farmworkers of health impairment due to inadequate provision of sanitation facilities and potable water in the fields. The quantitative risk assessments today placed into the public record are important because they not only quantify and illuminate the relevant risks but also quantify the reduction in risk expected from compliance with the proposed standard. *See, Industrial Union Department, AFL-CIO* v. *American Petroleum Institute*, 448 U.S. 601 (1980).

Opportunity for State Regulation

After careful consideration, the Secretary has concluded, for the reasons set forth below, that the unique circumstances surrounding the regulation of sanitation for field workers on tens of thousands of farms, spread out across the entire United States and exhibiting widely varying conditions in terms of size, climate, terrain, workforce density and labor intensity, make it likely that the greatest protection will be afforded farmworkers if adequate standards are developed by the various states, who are most able to adapt their standards to the particular conditions of agriculture in each state and to monitor compliance.

Many states have shown considerable initiative in regulating sanitation in the agricultural fields. Currently, 13 states have field sanitation standards (California, Colorado, Connecticut, Florida, Idaho, Illinois, Maine, New Jersey, New York, North Caroline, Oregon, Pennsylvania and Texas). Of these states, five, Texas, North Carolina, Idaho, Maine, and Illinois, have issued their standards within the last few years. Another two states, Minnesota and Wisconsin, are in the process of developing comparable standards. The four states with the largest farmworker populations, California, Florida, North Carolina and Texas, which together account for over 60% of the yearly total person-years of agricultural labor, all have standards (Exh. 21, pp. 24-25). Rough estimates of the total person-years covered by the 13 states with regulations range upwards from 75% (Exh. 16, pp. 13-17). Thus, most farm workers appear to be already covered by some form of state standard.

Despite the existence of state standards covering most field work, the Secretary has preliminarily ascertained that farmworkers in this country are not fully protected from occupationally-derived, sanitation-related diseases. The factors which contribute to farmworkers remaining at risk include the insufficiency of voluntary provision of facilities, deficiencies in certain existing state standards and in the enforcement of certain existing standards, and the very large number of workers who are unprotected by state standards.

Notwithstanding the weaknesses in current state field sanitation programs, the states remain better able to regulate this area. Those states with inadequate standards can build upon their own expertise with field sanitation to appropriately strengthen their regulation and enforcement while still tailoring their programs to local conditions. For some states, this may mean simply adding to their standard another required facility, for example, a handwashing facility; requiring that employers make facilities more accessible to employees; lowering a ratio of workers to facilities; or expanding coverage to fieldworkers in crops not currently covered. Inspectors who monitored compliance under a previously inadequate standard, can, once the standard is strengthened, carry out more comprehensive inspections to insure compliance with an adequate standard.

States without field sanitation standards can draw on their closer relationship with their constituents, both growers and farmworkers, and their long experience with analogous public health problems to promulgate and enforce appropriate standards.

Sanitation, like many other public health issues, has traditionally been a primary concern of state and local public health officials. They have developed the expertise, organizational networks and resources to address these issues and are, therefore, best able to protect against the health risks. Consequently, there is good reason to exert every effort to encourage the states to regulate this area.

In addition, comprehensive state regulation is likely to result in more comprehensive coverage and therefore greater protection of farmworkers. OSHA is prohibited by a Congressional rider to the annual appropriations bill from regulating farms with fewer than 11 employees (11-009). These farms employ approximately 64% of hand laborers who, under a federal standard necessarily would be unprotected (Exh. 16, p. 2). No such limitation is imposed on the states. Therefore, fewer farmworkers would be protected under a federal standard than could be protected by state standards. Moreover, a federal standard would preempt all state standards in states that do not have OSHA approved state programs for occupational safety and health, including state standards, like Texas', that may be more protective than the proposed federal standard. Furthermore, OSHA has very limited enforcement resources, which it has devoted primarily to protecting workers from life threatening injuries and illnesses.

Thus, given the vast differences in agricultural conditions, the fact that most important agricultural states have already addressed the health risks in the agricultural fields with some form of field sanitation standard (and that more are doing so each year), the unique public health aspects of field sanitation and the fact that Congressional limitations and federal preemption may result in less coverage and protection under a federal standard than under state standards, state regulation of field sanitation is preferable to federal regulation.

Guidelines for Appropriate State Action

In accordance with the terms of this document, OSHA by April 1987 will evaluate the responses of the states to this notice to determine whether state programs are adequate to protect farmworkers. In judging whether state laws and regulations, individually and collectively, are sufficient to preclude a need for federal action, OSHA will adhere to three guidelines.

First, regarding content, a state's standard to be acceptable must provide protection equivalent to the federal field sanitation standard proposed in 1984 (49 FR 7589). Thus, the degree of protection required by the 1984 proposal constitutes the minimum adequate level of protection. However, this does not mean that an adequate state standard needs to be identical to the federal proposal. This guideline is intended not only to set minimum standards for adequate state regulation but also to provide individual states with sufficient flexibility so that the states can shape provisions of their standards to fit local climatic, topographical, crop and labor conditions. The point is not to impose a rigid set of detailed specifications on the states but rather to assure that, however the states may construct their individual standards, those standards will adequately protect farmworkers.

Thus, an adequate state standard must require the employer to supply drinking water and to provide and maintain handwashing and appropriate toilet facilities in the fields for farmworkers. It means, as well, that the

manner in which all three facilities are to be provided (e.g., distances from protected employees, ratios, etc.) must, viewed as a whole, provide protection equivalent to the 1984 proposal.

However, specific requirements may vary from the federal proposal. For example, based in part on the assumption that toilet facilities would be serviced only once a week, OSHA proposed in 1984 that employers provide toilets in the ratio of one for every twenty protected employees. A state under this guideline might lower or raise that ratio. If the state raised the ratio to as high as, for instance, 1:40 farmworkers, it could compensate for the expected increased rate of use of the facility by increasing to twice a week the frequency of required servicing, thereby achieving protection equivalent to OSHA's proposal. Equivalent protection must be assured. Hence, for example, because the record shows that moist towelettes are not as protective as handwashing facilities (Exhs. 26; 18), OSHA would not consider as adequate the substitution of such towelettes for handwashing facilities.

Second, regarding the extent of state action required in states currently without field sanitation standards to render federal regulation unnecessary, OSHA will review the progress of the states in order to determine whether there has been a sufficient increase in the number of states with adequate standards to assure that the vast majority of hand laborers working in the field who presently are not covered by state standards will be protected. This means that those states now without standards that have significant farmworker populations must promulgate field sanitation standards in order to preclude the need for a federal standard.

Third, to assure compliance with their field sanitation standards, states also must have adequate enforcement programs. There are, of course, many different ways to structure an adequate enforcement program, and it is likely that states will vary according to their resources, particular agricultural conditions and experience with current programs. In evaluating whether a state's enforcement program is adequate, OSHA will apply generally accepted criteria, listed below, for judging the effectiveness of such programs. Under these criteria, a state enforcement program for its field sanitation standard would be considered effective if in OSHA's judgment the program:

(1) Names the state agency responsible for administering the standard;

(2) Provides the legal authority and reflects an adequate commitment of the resources, including compliance staff, the agency needs for effective implementation of the standard;

(3) Provides for appropriate inspections, including inspections in response to complaints;

(4) Provides for notice to employees of their rights and obligations under the standard;

(5) Provides for notice to employers and employees concerning alleged violations of the standard, including proposed abatement requirements; and

(6) Provides effective methods to compel abatement of the relevant hazards.

OSHA expects that State field sanitation programs that comply with these guidelines would provide protection to farmworkers equivalent to that which would be provided by a federal standard.

Timetable for Action

For the reasons stated above, the Secretary has decided to allow the States 18 months within which to develop and implement field sanitation standards that provide adequate protection to farmworkers. The period of eighteen months was selected in an effort to give states, through their legislative processes, sufficient opportunity to act.

During this interim period, OSHA will refrain from adopting its own regulations in order to encourage the states to adopt their own rules. Were OSHA to implement a federal standard at this time, states without OSHA-approved state plans would be preempted from adopting their own standards. Thus, OSHA is deferring final action on a federal rule in order to preserve the power and the incentive for the states, which are better situated to protect farmworkers' health in this unique area, to act. OSHA also notes that during this interim period the great majority of farmworkers will receive some protection from existing state field sanitation standards.

By the end of the 18-month period and based on the three guidelines outlined in this notice, OSHA will evaluate the states' response. If the Agency determines that the states have acted to adequately protect farmworkers, no further federal action would be required. However, if OSHA determines that the states' response is inadequate, then within 6 months after that determination OSHA will issue its own field sanitation standard.

OSHA Assistance to the States

OSHA will actively offer assistance to the states in the development, improvement and implementation of their field sanitation standards. To this end, the Secretary will contact the governor of each state by letter, requesting the governor to designate a state official as contact person for field sanitation. OSHA Regional Administrators will then meet with the designated state official to explain the Secretary's decision, to seek information about how the state proposes to address the issue of field sanitation and to offer any technical assistance that may be needed. Thereafter, during the development of the state standard, the Regional Administrator will be available to work, as needed, with the state.

Then, as a state completes the process of developing an adequate field sanitation standard and establishing an effective enforcement program, the state should provide a written description of its effort to the Regional Administrator. This should include a discussion of the particular agricultural conditions in the state, e.g., size (number and size of farms, number of farmworkers), terrain, climate, crops, seasons of activity, workforce density, labor intensity, source of workforce, etc., as well as a description of its standard and enforcement program. OSHA's review of the state submissions will be coordinated by Bruce Hillenbrand, Director, Federal-State Operations, Room N3476, 200 Constitution Ave. NW., Washington, DC. 20210 (Telephone: (202) 523–7251). That review will include an overall assessment by the Regional Administrator and specific evaluations as to the adequacy of the content of the standard and effectiveness of the enforcement program by the Directorate of Health Standards and the Directorate of Federal-State Operations, respectively, in the OSHA National Office.

Since OSHA will make its determination concerning the adequacy of the overall state response by April 1987, states are encouraged to take adequate action and inform OSHA of the status of their efforts by no later than January 1987.

The above procedures for OSHA review of state standards and enforcement for field sanitation have been established to respond to the special circumstances surrounding field sanitation and are intended to operate without reference to, and independently of the provision regarding State Plans set forth in section 18 of the Act. However, should any state, in

accordance with section 18 of the Act and the regulations at 29 CFR 1902, desire to develop a State Plan for any occupational safety and health issue or issues, including agriculture, and extend its coverage to include field sanitation, OSHA will consider it for approval. OSHA Regional Administrators and the Director of Federal-State Operations may be contacted for further information and assistance.

Authority

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third and Constitution Avenue, NW., Washington, DC. 21210 [Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; and Secretary of Labor's Order No. 9–83 (48 FR 35736)].

Signed at Washington, DC., this 16th day of October 1985.

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 85–25042 Filed 10–18–85; 8:45 am]

BILLING CODE 4510-26-M

federal register

Monday
October 21, 1985

Part VI

Department of Commerce

International Trade Administration

15 CFR Part 388

Revision of Temporary Denial Provisions of the Export Administration Regulations; Final Rule

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 388

[Docket No. 51058—5158]

Revision of Temporary Denial Provisions of the Export Administration Regulations

AGENCY: International Trade Administration.

ACTION: Final rule.

SUMMARY: The agency is revising the temporary denial portion of the Export Administration Regulations (Part 388, Title 15, Code of Federal Regulations (Regulations)). The changes are being made to implement the Export Administration Amendments Act of 1985 (Pub. L. 99–64, 99 Stat. 120), which amended and extended the Export Administration Act of 1979 (50 U.S.C. app. 2401–2420 (1982)) (Act). These regulations set forth the procedures concerning temporary denial orders issued on or after July 12, 1985. Temporary denial orders issued on or before July 11, 1985 will continue to be governed by the applicable regulations in effect at the time of their issuance.

DATE: These rules are effective October 21, 1985.

FOR FURTHER INFORMATION CONTACT: Daniel C. Hurley, Jr., Office of the Assistant General Counsel for Export Administration, 202/377–5311.

SUPPLEMENTARY INFORMATION:

Substance of Regulations: These regulations set forth the procedures applicable to temporary denial orders which are issued on or after July 12, 1985, and to any renewal or appeal of those orders, pursuant to the Export Administration Act of 1979 (50 U.S.C. app. 2401–2420 (1982)), as amended by the Export Administration Amendments Act of 1985 (Pub. L. 99–64, 99 Stat. 120). Temporary denial orders issued on or before July 11, 1985 continue to be governed by the applicable regulations in effect at the time of their issuance.

The regulations as amended provide that the Department may ask the Deputy Assistant Secretary for Export Enforcement (Deputy Assistant Secretary) to issue a temporary denial order on an *ex parte* basis where necessary in the public interest to prevent an imminent violation of the Act, the regulations, or any order, license or other authorization issued under the Act.

In drafting the regulatory definition of "imminent violation", the Department relied on principles of statutory construction and the legislative history of section 13(d) of the Act, as amended. The legislative history concerning the "imminent violation" standard suggests that adoption of this standard would not significantly narrow the grounds for issuance of temporary denial orders from those previously available under the Regulations. (*See*, statement of Senator Dixon upon introducing the "imminent violation" standard, 130 Cong. Rec. S 1704 (daily ed. February 27, 1984.)

Under the regulations, a temporary denial order may be renewed more than once, so long as notice and opportunity for a hearing are provided and the requisite showing is made for each renewal requested.

The regulations satisfy the statutory time limits for decisions in an appeal of a temporary denial order. The regulations provide that a respondent may, at any time, file an appeal of the initial or renewed temporary denial order with the Administrative Law Judge who has ten working days after an appeal is filed to submit a recommended decision to the Assistant Secretary for Trade Administration (Assistant Secretary), stating whether the issuance or renewal of the temporary denial order should be affirmed, modified or vacated. The Assistant Secretary has five working days after receipt of the recommended decision to issue a written order accepting, rejecting or modifying the recommended decision. The Assistant Secretary's written order shall be final and is not subject to judicial review.

This rule shall not be construed to confer any procedural rights or requirements based upon the Administrative Procedure Act, except as expressly provided for in Part 388.

Rulemaking Requirements

In connection with various rulemaking requirements, the Department has determined that:

1. This rule is exempted from the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, an opportunity for public participation, and a delay in effective date (5 U.S.C. 553) pursuant to section 13(a) of the Act and will become effective immediately. This rule also involves military and foreign affairs functions of the United States.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. Because a notice of proposed rulemaking is not required for this rule, it is not a rule within the meaning of section 601(2) of the Regulatory Flexibility Act, 5 U.S.C. 601(2) and is not subject to the requirements of that Act. Accordingly, no initial or final Regulatory Flexibility Analysis has been or will be prepared.

4. Because this rule concerns military and foreign affairs functions of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291 and, accordingly, is not subject to the requirements of that Order. Therefore, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

List of Subjects in 15 CFR Part 388

Administrative practice and procedure, Denial of export privileges, Exports, Temporary denial of export privileges.

Accordingly, the regulations governing temporary denials, 15 CFR Part 388, is amended by revising § 388.19 as set forth below.

PART 388—[AMENDED]

1. The authority for Part 388 is revised to read as follows:

Authority: Secs. 13, 15 and 21 of the Export Administration Act of 1979, 50 U.S.C. App. 2401–2420, as amended by Pub. L. 99–64, 99 Stat. 120; E.O. 12214 (45 FR 24765, May 6, 1980); Department Organization Order 10–3, effective September 6, 1984, and International Trade Administration Organization and Function Orders 41–1 (48 FR 26854, June 10, 1983 and 48 FR 46831, October 14, 1983), as amended September 14, 1984, and 41–4 (47 FR 29582, July 7, 1982), as amended February 9, 1984.

2. Section 388.19 is revised as follows:

§ 388.19 Temporary denials.

(a) *General Denial of Export Privileges.* The following procedures apply to temporary denial orders issued on or after July 12, 1985. For temporary denial orders issued on or before July 11, 1985, the proceedings will be governed by the applicable regulations in effect at the time the temporary denial orders were issued.

(1) Without limiting any other action the Department may take under the regulations (including §§ 370.2(b), 372.1(e) and 388.4) with respect to any application, license or other authorization issued under the Act, the Department may ask the Deputy Assistant Secretary for Export Enforcement (Deputy Assistant Secretary) to issue a temporary denial order on an *ex parte* basis to prevent an imminent violation, as defined below, of the Act, the regulations, or any order, license or other authorization issued under the Act. Such temporary denial order shall summarily deny any or all of

the export privileges specified in § 388.3(a) (1) and (2) to any person named in the order.

(2) In order to prevent evasion or circumvention of the temporary denial order, the order or any renewal thereof can name and deny export privileges to, in addition to any person designated as a respondent, any other person who is then related to the respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business. The Department may seek to add to a temporary denial order, at a time other than initial issuance or renewal, any person who the Department then has reason to believe is related to a respondent by following the procedures in § 388.3(c) for issuance of an order to show cause.

(b) *Issuance.* (1) The Deputy Assistant Secretary may issue a temporary denial order upon a showing by the Department that the order is necessary in the public interest to prevent an imminent violation of the Act, the regulations, or any order, license or other authorization issued under the Act.

(2) The temporary denial order shall define the imminent violation and state why it was issued without a hearing. Because all denial orders are public, the description of the imminent violation and the reasons for proceeding on an *ex parte* basis set forth therein shall be stated in a manner that is consistent with national security, foreign policy and investigative concerns.

(3) A violation may be "imminent" either in time or in degree of likelihood. To establish grounds for the temporary denial order, the Department may show either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations. In support of its position concerning the likelihood of future violations, the Department may show that the violations under investigation or charges were significant, deliberate, covert and/or likely to occur again, rather than technical or negligent, and that it is appropriate to give notice to companies in the United States and abroad to cease dealing with the person in U.S.-origin goods and technology in order to reduce the likelihood that a person under investigation or charges continues to export or acquire abroad such goods and technology, risking subsequent disposition contrary to export control requirements. Lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.

(4) The temporary denial order shall be issued for a period not exceeding 60 days.

(c) *Non-resident respondents.* To facilitate timely notice of renewal requests, a respondent not a resident of the United States may designate a local agent for this purpose and provide written notification of such designation to the Department in the manner set forth in § 388.6(b).

(d) *Renewal.* (1) If, no later than 20 days before the expiration date of a temporary denial order, the Department believes that renewal of the denial order is necessary in the public interest to prevent an imminent violation, the Department may file a written request setting forth the basis for its belief, including any additional or changed circumstances, asking that the Deputy Assistant Secretary renew the temporary denial order for an additional period not exceeding 60 days, with modifications if any are appropriate. The Department's request shall be delivered to the respondent, or any agent designated for this purpose, in accordance with § 388.6(b) which shall constitute notice of the renewal application.

(2) *Hearing.* (i) A respondent may oppose renewal of a temporary denial order by filing with the Deputy Assistant Secretary a written submission, supported by appropriate evidence, to be received not later than seven days before the expiration date of such order. For good cause shown, the Deputy Assistant Secretary may consider submissions received not later than five days before the expiration date. The Deputy Assistant Secretary ordinarily will not allow discovery; however, for good cause shown in respondent's submission, he may allow the parties to take limited discovery, consisting of a request for production of documents. If requested by the respondent in the written submission, the Deputy Assistant Secretary shall hold a hearing on the renewal application. The hearing shall be on the record and ordinarily shall consist only of oral argument. The only issue to be considered on the Department's request for renewal is whether the temporary denial order should be continued to prevent an imminent violation as defined herein.

(ii) Any person designated as a related party may not oppose issuance or renewal of the temporary denial order but may file an appeal in accordance with § 388.19(d).

(iii) If no written opposition to the Department's renewal request is received within the specified time, the Deputy Assistant Secretary may issue the order renewing the temporary denial order without a hearing.

(3) A temporary denial order may be renewed more than once.

(e) *Appeals.*—(1) *Filing.* (i) A respondent may, at any time, file an appeal of the initial or renewed temporary denial order with the Administrative Law Judge.

(ii) The filing of an appeal shall stay neither the effectiveness of the temporary denial order nor any application for renewal, nor shall it operate to bar the Deputy Assistant Secretary's consideration of any renewal application.

(2) *Grounds.* Grounds shall be specified.

(i) A respondent may appeal to the Administrative Law Judge from an order issuing or renewing a temporary denial order on the ground that a finding of an imminent violation is unsupported.

(ii) Any related party may appeal any finding that he is related to a respondent but may not appeal the underlying issuance or renewal of the temporary denial order.

(3) Appeal procedure. A full written statement in support of the appeal must be filed with the appeal and be simultaneously served on the Department which shall have seven working days to file a reply. Service on the Administrative Law Judge shall be addressed to the Office of the Administrative Law Judges, U.S. Department of Commerce, Room H6716, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Service on the Department shall be as set forth in § 388.6(b). The Administrative Law Judge normally will not hold hearings or entertain oral argument on appeals.

(4) *Recommended Decision.* Within 10 working days after an appeal is filed, the Administrative Law Judge shall submit a recommended decision to the Assistant Secretary for Trade Administration (Assistant Secretary), stating whether the issuance or the renewal of the temporary denial order should be affirmed, modified or vacated.

(5) *Final decision.* Within five working days after receipt of the recommended decision, the Assistant Secretary shall issue a written order accepting, rejecting or modifying the recommended decision. Because of the time constraints, the Assistant Secretary's review shall ordinarily be limited to the written record for decision, including the transcript of any hearing. The issuance or renewal of the temporary denial order shall be affirmed only if there is reason to believe that the temporary denial order is required in the public interest to

prevent an imminent violation of the Act, the regulations, or any order, license or other authorization issued under the Act. The Assistant Secretary's written order shall be final and is not subject to judicial review.

(f) *Delivery.* A copy of any temporary denial order issued or renewed and any final decision on appeal shall be published in the **Federal Register** and shall be delivered to the respondent, or any agent designated for this purpose, and to any related party in the same manner as provided in § 388.6 for filing of papers other than a charging letter.

Issued in Washington, D.C., on October 18, 1985.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 85-25195 Filed 10-18-85; 9:58 am]

BILLING CODE 3510-DT-M

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S.J. Res. 72/Pub. L. 99-122

To designate October 16, 1985, as "World Food Day" (Oct. 16, 1985; 99 Stat. 515) Price: $1.00

S.J. Res. 183/Pub. L. 99-123

To provide for the designation of the week of October 6 through October 12, 1985, as "Myasthenia Gravis Awareness Week". (Oct. 16, 1985; 99 Stat. 517) Price: $1.00

S.J. Res. 197/Pub. L. 99-124

To designate the week of October 6, 1985 through October 13, 1985 as "National Housing Week". (Oct. 16, 1985; 99 Stat. 518) Price: $1.00

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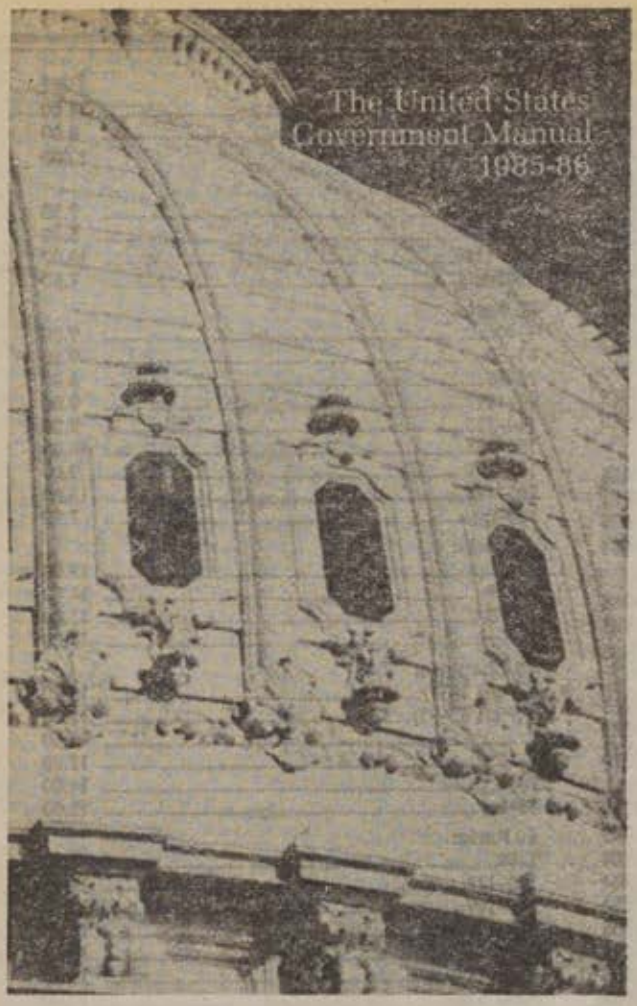
[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.



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